

File ID Number: 17-0056
Introduction Date: 2-8-17
Enactment Number: _____
Enactment Date: _____
By: _____



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM

TO: MEASURES A,B, & J CITIZENS BOND OVERSIGHT COMMITTEE

FROM: MARION MCWILLIAMS, GENERAL COUNSEL

DATE: FEBRUARY 13, 2017

RE: MEASURE J Expenditures Relating to Educational Leadership Campus

QUESTION PRESENTED: The Committee has requested a legal opinion as to whether Measure J funds are a permissible, allowable use for rehabilitation of the Marcus J Foster Educational Leadership Campus, i.e., aka 1025 2nd Avenue Administration Building.

ANSWER: Yes. In my legal opinion, Measure J funds can permissibly be used for the redevelopment of 1025 2nd Avenue and the reconfiguration of the adjacent Ethel Moore building. The original Measure J language included language providing for such use and the project has been approved by the Governing Board in a public meeting.

In arriving at this opinion, I reviewed the previously submitted opinions of legal counsel provided on August 15, 2016, May 17, 2016, and June 21, 2016 which are included in this memo. I agree with the analysis and conclusions of those prior opinions. I have also consulted with independent bond counsel, Orrick, in reaching this conclusion.

OAKLAND UNIFIED SCHOOL DISTRICT

Office of the General Counsel

MEMORANDUM

TO: THE CBOC COMMITTEE

FROM: JACQUELINE MINOR, GENERAL COUNSEL EMERITUS

SUBJECT: QUESTIONS POSED BY CBOC MEMBER DA WSON – DOES MEASURE B OR J BOND LANGUAGE ALLOW FOR EXPENDITURES ON PROJECTS THAT WERE NOT SPECIFICALLY LISTED IN THE BOND

DATE: AUGUST 15, 2016

CC: SUPERINTENDENT ANTWAN WILSON
MARION MCWILLIAMS, GENERAL COUNSEL
SENIOR BUSINESS OFFICER VERNON HAL
DEPUTY CHIEF JOE DOMINGUEZ
DEPUTY CHIEF STRATEGY AND IMPLEMENTATION CAREY ASH

ISSUE

In an email dated August 3, 2016 from the Chair of the CBOC Committee, the Facilities Staff was informed “[t]he CBOC requested a written legal opinion from Bond Counsel on whether Measure's B or J Bond language allows for expenditures on projects that were not specifically listed in the Bond. The District chose not to provide this opinion. Therefore some members of CBOC are not able to conclude that OUSD is in full compliance with the requirements of Article XXIIA, Section 1(b)(3) of the California Constitution.”

The email also states that “[t]he 2014/2015 Measure B & J Annual Report is submitted to the Board of Education by the Committee, in accordance with the Education Code section 15278 (b). The performance and financial audits were conducted and included a list of bond-approved projects. *There were no findings in this audit disputing the requirements that all bond proceeds be used on bond-approved projects and that bond proceeds not be used to pay administrator salaries.*” [Emphasis Added]

SHORT ANSWER

Because the 2012 Facilities Master Plan identified over \$1 billion in direct facilities related ‘needs,’ yet the Measure J Bond was sized at \$475 million to meet debt financing requirements, District financial, legal and facilities staffs were tasked with preparing a draft Project List to present to the voters that addresses both the current and prospective facilities assessment needs of the District. ... The bond measure approved by the voters provides that Listed projects will be completed as needed at a particular school site according to Board-established priorities, and the order in which such projects appear on the Bond Project List is not an indication of priority for funding or completion. The final cost of each

project will be determined as plans are finalized, construction bids are awarded, and projects are completed. ... Completion of some projects may be subject to further government approvals by State Officials and boards, to local environmental review, and to input from the public. For these reasons, inclusion of a project on the Bond Project List is not a guarantee that the project will be funded or completed. The Board of Education may make changes to the Bond Project List in the future consistent with the projects specified in the proposition.

Measure J clearly includes "administrative sites" such as 1025 2nd Avenue. (See highlighted language from the full text of Measure J on page 4).

District staff has repeatedly stated to the Committee that no Measure B funds have been used on any aspect of the 1025 Project.

We note that District Staff provided responses to Member Dawson and to the CBOC to a series of questions submitted by Member Dawson. The Staff responses, which are attached hereto, were originally provided with the CBOC meeting agenda for the May 17, 2016 meeting and reviewed again by the General Counsel at the June 21, 2016 CBOC meeting

THE FULL TEXT OF THE VOTER PROVIDED MEASURE J INCLUDES THE FOLLOWING PROVISIONS, NOTE THE HIGHLIGHTED SECTIONS

BOND PROJECT LIST

The Bond Project List below describes the specific projects the Oakland Unified School District proposes to finance with proceeds of the bonds. Listed projects will be completed as needed at a particular school site according to Board-established priorities, and the order in which such projects appear on the Bond Project List is not an indication of priority for funding or completion. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. Certain construction funds expected from non-bond sources, including State grant funds for eligible projects, have not yet been secured. Until all project costs and funding sources are known, the Board of Education cannot determine the amount of bond proceeds available to be spent on each project, nor guarantee that the bonds will provide sufficient funds to allow completion of all listed projects. Completion of some projects may be subject to further government approvals by State officials and boards, to local environmental review, and to input from the public. For these reasons, inclusion of a project on the Bond Project List is not a guarantee that the project will be funded or completed. The Board of Education may make changes to the Bond Project List in the future consistent with the projects specified in the proposition.

Part I: District-wide authorization: the projects in this part are authorized to be completed at each or any of the District's sites, as shall be approved by the Board of Education. The examples under each project type do not form an exhaustive list.

-
- Construct, equip, furnish, repair and rehabilitate existing school sites to create a Full Service Community School District, including:

Dedicated space for early childhood development,

-
- o Private rooms for family counseling,

- o Childhood Development Centers,
 - o Clinics for school health centers,
 - o Expand and modify sites that accommodate more grade levels,
 - o Improved community access to classrooms, auditoriums, multipurpose rooms, and other spaces,
 - o Equip spaces for Science, Technology, Engineering and Math (STEM) programs.
-
- Enhance seismic safety, including:
 - o Seismic retrofits.
-
- Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility including:
 - o repairing, rehabilitating and acquiring HVAC systems, roofs, plumbing and electrical systems,
 - o upgrading accessibility, improving or acquiring technology and technology infrastructure,
 - o acquiring, replacing and upgrading security systems and fire alarm systems,
 - o removing portable classrooms and replacing them with permanent buildings, improved school grounds,
 - o renovating and/or constructing central, on-site, and community kitchens,
 - o constructing, renovating, and replacing school playgrounds, educational gardens, tracks and fields;
 - o constructing and repairing landscaping and paving, and installing improvements such as sun-shades.
-
- Improve energy efficiency, renewable power generation, and sustainability including:
 - o installation of photovoltaic panels,
 - o upgrading lighting, lighting technology, and other lighting control systems,
 - o install window shades, or daylighting enhancements,
 - o install / upgrade insulation,

- perform mechanical system repairs, replacements, and upgrades
 - install and/or upgrade automatic control systems,
 - remediate storm water impacts,
 - other resource usage reduction initiatives, and
 - reduce light pollution.
- Increase utilization of under-used assets, including :
 - redeveloping administrative sites and inactive school sites,
 - reconfiguring inactive school sites for alternative uses such as teacher housing, alternative academics, and training,
 - reconfiguration of sites or parts of sites to house administrative functions, and
 - optimizing active school sites to host community partners.

Part II: Site-specific authorization: the following projects are authorized at the specific sites indicated below (and are supplemental to, and do not limit the authorization set forth in, Part I).

- Washington Elementary School (581 6st Street)
 - Expand and modify sites that accommodate more grade levels (K-8),
 - Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility,
 - Enhance seismic safety.
- Roosevelt Middle School (1926 19th Avenue)
 - Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility,
 - Improve energy efficiency and renewable power generation, including the installation of solar panels,
 - Enhance seismic safety.
- McClymonds High School (2608 Myrtle Street)
 - Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility,

- o Turf field replacement,
 - o Improve energy efficiency and renewable power generation, including the installation of solar panels,
 - o Enhance seismic safety,
 - o Equip spaces for Science, Technology, Engineering and Math (STEM) programs.
- Foster Elementary School (2850 West Street)
 - o Convert site into a central commissary including a central kitchen, a farm produce receiving and handling center, a demonstration farm, and a food education center,
 - o Enhance seismic safety.
- Fremont Federation School (4610 Foothill)
 - o Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility,
 - o Turf field replacement,
 - o Improve energy efficiency and renewable power generation, including the installation of solar panels,
 - o Enhance seismic safety.
- Glenview Elementary (4215 La Cresta Avenue)
 - o Remove portable classrooms and replace them with permanent buildings,
 - o Enhance seismic safety.
- Melrose Leadership Academy (5328 Brann Street)
 - o Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility.
- Webster Academy (8000 Birch Street)
 - o Childhood Development Center replacement.
- Whittier Elementary School (6328 East 17th Street)
 - o Expand and modify sites that accommodate more grade levels (K-8),

- o Remove portable classrooms and replace them with permanent buildings,
- o Enhance seismic safety.

- Sobrante Park Elementary School (470 El Paseo Drive)
 - o Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility,
 - o Enhance seismic safety.

- Madison Middle School (400 Capistrano Drive)
 - o Expand and modify sites that accommodate more grade levels (6-12)
 - o Construct sports complex.

Each project listed is assumed to include its share of costs of the election and bond issuance and other construction-related costs, such as construction management, architectural, engineering, inspection and other planning costs, legal, accounting and similar fees, independent annual financial and performance audits, a customary construction contingency, and other costs incidental to and necessary for completion of the listed projects (whether work is performed by the District or by third parties), . . .

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.).

Site preparation/restoration in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, demolition of existing structures, removing, replacing, or installing irrigation and drainage, utility lines (such as gas lines, water lines, electrical lines, sewer lines, and communication lines), trees and landscaping, relocating fire access roads, traffic lights and mitigation, 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, and personnel, and interim classrooms (including relocatables) for students and school functions or other storage for classroom materials displaced during construction.

Acquisition of any of the facilities on the Bond Project List through temporary lease or lease-purchase arrangements, or execute purchase option under a lease for any of these authorized facilities.

Furnishing and equipping of existing and newly constructed, modernized or

rehabilitated classrooms and facilities on an ongoing basis, including to replace worn, broken, or out-of-date furniture and equipment for all classrooms, athletic facilities and other facilities, as needed.

For any project involving renovation, modernization, remodeling or rehabilitation of a building or the major portion of a building, the District may proceed with new replacement construction instead (including any necessary demolition), if the Board of Education determines that replacement and new construction is more practical than rehabilitation and renovation, considering the building's age, condition, expected remaining life, comparative cost, and other relevant factors.

The Bond Project List shall be considered a part of this ballot proposition, and shall be reproduced in any official document required to contain the full statement of the bond proposition.

<<<<<-----END OF FULL TEXT OF MEASURE.

Attachment – Staff Responses to CBOC questions, originally provided with the CBOC meeting agenda for the May 17, 2016 meeting and reviewed again by the General Counsel at the June 21, 2016 CBOC meeting

Answers To Questions

OUSD CBOC Questions / Answers

OUSD Agenda Item #16-0598 Bond Project Measure J and B
OUSD Legislative File #15-5024 dated Oct. 14, 2015 (attached)
Presented by: Hitesh Haria and Lance Jackson

1. Background: This shows conchology of changes to the Original Measure J spending plan Exhibit A to the now Board approved spending plan exhibit C. Exhibit C also shows in column C – Measure "B" funds draw of \$65million in Aug 2015 (*What is left in measure B? Explain what is happening/has happened with projects listed as unfunded in exhibit B?*)

Answer #1: Currently there are approximately \$16Million in accrued interest balance related to Bond Measure B issuances. There is \$65 Million that has not been drawn down we anticipate drawing down this summer. We are currently vetting internally how we will utilize the remaining funds. Once this is completed, staff will be ready to present publicly.

- Measure J County Counsel Analysis: Third paragraph describes included and allowed under OUSD Measure J (attached)
- In ballot measure Submittal Form Question to Voters is "repair bathrooms"
- Full Text of Analysis references District Facilities Master Plan dated May 22, 2012. Can staff please provide this Master Plan for our next CBOC meeting?
- (Measure J spending revised plan exhibit "C" changes allocation for bathroom renovation from original \$17,500 million to only spending \$5 049,489million - why?)

Answer #2: Per the Measure J Ballot Resolution:
"The Bond Project List below describes the specific projects the District proposes to finance with proceeds of the bonds. Listed projects will be completed as needed at a particular school site according to Board-established priorities, and the order in which such projects appear on the Bond Project List is not an indication of priority for funding or completion. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. ... Go to page 14: "Completion of some projects may be subject to further government approvals by State Officials and boards, to local environmental review, and to input from the public. For these reasons, inclusion of a project on the Bond Project List is not a guarantee that the project will be funded or completed. The Board of Education may make changes to the Bond Project List in the future consistent with the projects specified in the proposition.

- Full Text of Analysis references District Facilities Master Plan dated May 22, 2012. Provide Master Plan to CBOC

Answer #3:
See full text of the Bond Measure which is attached.

- Bond Project list (attached): Part I;
- Improving School yards: *How does district determine which sites to be paved, and when changing master projects list which ones get eliminated? How was the decision made to*

revise this budget from \$ 18.2million to \$6,186,71million in revised spending plan exhibit "C"?

Answer #4: District priorities changed. Because the 2012 Facilities Master Plan identified over \$1 billion in direct facilities related "needs", yet the Measure J Bond was sized at \$475 million to meet debt financing requirements, District financial, legal and facilities staff ("Measure J Team") were tasked with preparing a draft a Project List to present to the voters that addresses both the current and prospective facilities assessment needs of the District. As noted above the bond measure approved by the voters provides that listed projects will be completed as needed at a particular school site according to Board-established priorities, and the order in which such projects appear on the Bond Project List is not an indication of priority for funding or completion. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. ... Go to page 14: "Completion of some projects may be subject to further government approvals by State Officials and boards, to local environmental review, and to input from the public. For these reasons, inclusion of a project on the Bond Project List is not a guarantee that the project will be funded or completed. The Board of Education may make changes to the Bond Project List in the future consistent with the projects specified in the proposition.

- Constructing, renovating and replacing school play-yards, educational gardens, tracks and fields *how does district prioritize projects? I.e., how does TECH girls' softball field/track combo get considered as a project?*

Answer #5: District priorities changed. Subsequent to the passage of Measure J, the Board of Education approved a new strategic plan called Pathways to Excellence: 2015-2020 which provides an academic roadmap rooted in the foundational principles of putting students first, equity and integrity. The five goals of the Strategic Plan are: (i) providing every student with access to a high-quality school, (ii) ensuring each student is prepared for college, career and community success, (iii) staffing every school with talented individuals committed to working in service of children, (iv) creating a school district that holds itself and its partners accountable for superior outcomes, and (v) guaranteeing rigorous instruction in every classroom. The Strategic Plan also identified three major priorities: (i) creating effective talent programs, (ii) creating an accountable school district, and (iii) creating quality community schools. In addition to the new strategic plan, the Board identified Intensive Support Schools and established as a part of the Quality School Development program a "Call for Quality Schools." There is currently

realignment of assets and programs throughout the District to support the Intensive Support Schools and the Schools participating in the Call for Quality Schools. This realignment has included changes in the allocation of bond funds to support capital improvements at these schools.

- Increase utilization of under-used assets includes redevelopment of administrative sites or inactive school sites *Ask: Bond Counsel, does the law allow for 43million of Measure J to be used for new Marcus Foster ELG in revised spending plan exhibit "C"?*

Answer #6: Yes. See page # 14 of the Attachment (full text of the Bond Measure) and note response above.

- Reconfiguration of sites or parts of sites to house administrative functions *Ask: Bond Counsel, does the law allow for Measure J to be used for new Marcus Foster ELG in revised spending plan exhibit "C"?*

Answer #7: Yes, See Part I. of the Ballot Resolution Language.

- Fremont Federation School (4610 Foothill) *How was the decision made to revise this budget from \$ 114million to \$82million in revised spending plan exhibit "C"?*

Answer #8: Priorities Changed. See response above, noting as provided in the bond language, the final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed.

Part Bond Project List: Part II

- Roosevelt Middle School (1926 19th Ave) *how was the decision made to revise this budget from \$20million to \$1million In revised spending plan exhibit "C"?*

Answer #9: Priorities Changed. Per the Measure J Ballot Resolution: See response above related to changes in the Fremont Project revised spending plan

To Staff - Questions and requests

1. CBOC requests written response that changes to Bond Projects list for Measure J is OK by law. Reason for ask: In several other CA School Districts citizens have filed lawsuits citing listed were not accomplished/dropped off the list, or that additional projects went forward

that were not in Bond projects list hat was passed by voters.

Answer #10: Per the Measure J Ballot Resolution: See the response above. The OUSD bond specifically provides that changes as provided in the bond are authorized.

2. Explain what other decisions/changes have been to Measure J spending plan and the process.

Answer #11: See the response above. In addition, when drafting the Resolution calling an election and the accompanying Measure J "75 word" ballot measure language, the District carefully balanced the need for specificity with the desire for flexibility by creating the 2-tiered Project List, which specifically identifies seven (7) "Pipeline" projects (Part II) and flexibly addresses the remainder of District wide facility needs, in recognition of the over \$500 mil shortfall (Part I.)

3. On Measure B project detail – how much was spent in fiscal year 2014/2015.

Answer #12: \$10,553,922.50

4. Where in Master plan expenditure details are project specific consultants for architects, inspectors, and others shown?

Answer #13: This information is not part of the Master Plan.

5. Provide vendor invoicing detail for all Measure J and B consultants listed on Measure J – Consultant

Answer #14: We currently provide a summary of the consultants' list as part of the Monthly Expenditure Report for Measure J.

Expenditure Details dated 3/30/16. What does Object 5825 mean?

Answer #15: Per CSAM: This is the object code we use to track Consultant payments. Record expenditures for personal services rendered by personnel who are not on the payroll of the LEA. Professional/consulting services are delivered by an independent contractor (Individual, entity, or firm) that offers its services to the public. Such services are paid on a fee basis for specialized services that are Page 330-24 November 2013 Procedure 330 Object Classification Code Definition usually considered to be temporary or short term in nature, normally in areas that supplement the expertise of the LEA. This includes all related expenditures covered by the personal services contract.

6. On March 30th expenditure report: What is fund 35?

Answer #16: Per CSAM: This is the County Schools Facilities Fund. This Fund is used to

account for apportionments received from the state and for proceeds of various state bond issues. Districts may expend for new school facility construction, modernization and hardship projects. This fund is established pursuant to Education Code Section 17070.43 to receive apportionments from the 1998 State School Facilities Fund (Proposition 1A), the 2002 State School Facilities Fund (Proposition 47), the 2004 State School Facilities Fund (Proposition 55), or the 2006 State School Facilities Fund (Proposition 1D) authorized by the State Allocation Board for new school facility construction, modernization projects, and facility hardship grants, as provided in the Leroy F. Greene School Facilities Act of 1998 (Education Code Section 17070.10 et seq.). The principal revenues and other sources in this fund are: School Facilities Apportionments Interest Interfund Transfers In Funding provided by the State Allocation Board for reconstruction of facilities after disasters such as flooding may be deposited to Fund 35. Typical expenditures in this fund are payments for the costs of sites, site improvements, buildings, building improvements, and furniture and fixtures capitalized as a part of the construction project.

7. Explain Bond program contingency and reason/how dollars are allocated.

Answer #17: Historically, the approach to managing risk in "large" school construction projects, which generally cost in the tens of millions of dollars, involved allocating a standard contingency reserve to the project, amounting somewhere between 5% and 10% of total project cost. However, the amount of the contingency will depend on the status of design, procurement, and construction; and the complexity and uncertainties of the component parts of the project. The idea is to ensure we have set aside an appropriate % of funds to cover unexpected program cost such as unplanned costs arising from inspections, cost overruns, etc. As we get closer to finishing a project, the contingency needed is reduced.

In general the project contingency serves three core purposes:

- To account for errors and omissions in the construction documents
- To modify or change the scope of the project
- To pay for unknown conditions

8. Did District do any Bond fund transfers for the purpose of loans to other District programs in the fiscal 2014/2015? If so, were the funds returned to Bond account in 2014/2015 fiscal year?

Answer #18: No

9. What is timeline for Marcus Foster ELC, how it entire project going to be funded, (43Mil shown on exhibit "C", but presented elsewhere, total project cost is twice that amount – 77plus million).

Answer #19: The Board of Education will receive an update on the Marcus Foster Administrative Building and new Dewey Academy High School project at the Board meeting on May 25, 2016. After the presentation/update to the Board, the Staff welcomes the opportunity to provide an informational update to the CBOC.

New Business - Status of Audits

1. Status of Performance and Financial Audits - by end of March 31st of each fiscal year.

Answer #20: Bond audit has been completed and will be presented to the Committee at the May 17th committee meeting.

The District financial audits are performed by VTD as per the concurrence of the State Controller's Office. The District's financial audits are to be completed by December 15th following the end of the fiscal year (June 30th). We anticipate the 2014-15 financial audit to be completed no later than July 2016. At this point, the District we be caught up with its financial audits and fully expect the 2015-16 financial audit to be completed by December 15, 2016.

Board Office Use: Legislative File Info.	
File ID Number	12-1566
Introduction Date	6/13/12
Enactment Number	12-1679
Enactment Date	6/27/12



OAKLAND UNIFIED
SCHOOL DISTRICT

Low-income Schools Thriving Students

Memo

To Board of Education
From Jacqueline Minor, General Counsel *JM*
Board Meeting Date June 27, 2012
Subject RESOLUTION ORDERING SCHOOL BOND ELECTION IN AN AMOUNT NOT TO EXCEED \$475,000,000

Action Requested ADOPTION OF RESOLUTION NO. 1112-0756 ORDERING SCHOOL BOND ELECTION IN AN AMOUNT NOT TO EXCEED \$475,000,000

Background The Board is authorized to order elections for the purpose of submitting to the voters the question of whether the District may issue and sell general obligation bonds and levy an ad valorem tax to repay those bonds for the purpose of raising money for the construction and modernization of school facilities. The election would occur on November 6, 2012 and if approved by 55% of the votes cast, the District would be authorized to issue the bonds.

Discussion The proposed ballot summary states:

"To improve the quality of Oakland schools and school facilities to better prepare students for college and jobs, to upgrade science labs, classrooms, computers and technology, improve student safety and security, repair bathrooms, electrical systems, plumbing and sewer lines, improve energy efficiency and earthquake safety, shall the Oakland Unified School District be authorized to issue \$475 million in bonds, with an independent citizens oversight committee and annual audits to guarantee funds are spent properly to benefit Oakland children?"

Recommendation ADOPTION OF RESOLUTION NO. 1112-0756 ORDERING SCHOOL BOND ELECTION IN AN AMOUNT NOT TO EXCEED \$475,000,000

Fiscal Impact If the bonds are approved, the District plans to sell the bonds in 4 series over a period of approximately 6 years. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District.

Attachments Resolution No. 1112-0756, Ballot Summary, Full Text of Measure

A944100

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**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

BOARD OF EDUCATION 2012

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July 30, 2012

HAND DELIVERED; ENDORSED COPY REQUESTED

RECEIVED
Alameda County

JUL 30 2012

Reg. of Voters

Dave Macdonald
Registrar of Voters
County of Alameda
1225 Fallon Street, Rm. G-1
Oakland, CA 94612

Cheryl Perkins
Acting Clerk, Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, CA 94612

Dear Mr. Macdonald and Ms. Perkins:

Re: **Oakland Unified School District Resolution No. 1112-0756 - Ordering School Bond Election In An Amount Not To Exceed \$475,000,000**

Enclosed please find an original copy of Oakland Unified School District Resolution No. 1112-0756, adopted June 27, 2012, Ordering School Bond Election In An Amount Not to Exceed \$475,000,000 ... for the District on the November 6, 2012 General Election Ballot. The particulars of the request are stated in the Resolution.

Also enclosed in the letter packet for you, Mr. Macdonald, on a flash drive, is a Microsoft Word copy of the Resolution.

The District respectfully requests each of you to take any and all necessary official actions, required by law, to cause this matter to be placed before District voters on the November 6, 2012 ballot.

I also will serve as liaison to your respective office as you prepare this measure for the ballot.

If I may respond to any questions or queries that you may have regarding the District's request, please feel free to communicate with me at 510/273-3238 (office) or 510/455-0797 (cell) or in my absence, my assistants, Linda Floyd at 510/273-3234 (office) or Ou Fin Saechao 510/273-3232 (office).

Sincerely,


Edgar Rakestraw, Jr.

ER:ofs

Enclosure: Oakland Unified School District Resolution No. 1112-0756
cc: President Jody London and Members, Board of Education (w/o enclosure)
Tony Smith, Superintendent of Schools (w/o enclosure)
Jacqueline Minor, General Counsel (w/o enclosure)

2

RECEIVED
Alameda County

JUL 30 2012

Reg. of Voters

RESOLUTION
OF THE BOARD OF EDUCATION
OF THE OAKLAND UNIFIED SCHOOL DISTRICT
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

RESOLUTION NO. 1112-0756

RESOLUTION ORDERING SCHOOL BOND ELECTION IN AN AMOUNT NOT
TO EXCEED \$475,000,000, AND AUTHORIZING NECESSARY ACTIONS IN
CONNECTION THEREWITH

WHEREAS, the Board of Education (the "Board") of the Oakland Unified School District (the "District") is authorized to order elections within the District and to designate the specifications thereof, pursuant to Sections 5304 and 5322 of the Education Code of the State of California (the "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 Education Code Sections 15100 et seq.; and

WHEREAS, pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, 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 vote of at least 55% of those voting on a proposition for the purpose, provided certain accountability measures are included in the proposition; and

WHEREAS, the Board, deems it necessary and advisable to submit a bond proposition to the electors which, if approved by 55% of the votes cast, would permit the District to issue its bonds; 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

WHEREAS, on November 6, 2012, a statewide general election is scheduled to be conducted throughout the District; and

WHEREAS, the District is located entirely within the County of Alameda (the "County") and the Alameda County Superintendent of Schools has jurisdiction over the District; and

WHEREAS, the District's boundaries have not changed since the June 6, 2006 Election; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation and a proposed schedule of bond issuances, the Board has determined that

3



BALLOT MEASURE SUBMITTAL FORM

Official Use Only: Date Stamp
RECEIVED
Alameda County
JUL 30 2012
Reg. of Voters

BALLOT MEASURE QUESTION

Jurisdiction Name: Oakland Unified School District Election Date: November 6, 2012

Note: The information as it appears within the measure question text box will be printed on the ballot.

Insert ballot question text here:

To improve the quality of Oakland schools and school facilities to better prepare students for college and jobs, to upgrade science labs, classrooms, computers and technology, improve student safety and security, repair bathrooms, electrical systems, plumbing and sewer lines, improve energy efficiency and earthquake safety, shall the Oakland Unified School District be authorized to issue \$475 million in bonds, with an independent citizens oversight committee and annual audits to guarantee funds are spent properly to benefit Oakland children?
-12
-11
-9
-9
-11
-11
-11
-4
75

PERCENTAGE NEEDED TO PASS

Fifty-five (55%) Percent

FULL TEXT OPTION

Full Text to be printed in the Voter Information Pamphlet:

[X] YES (note: must submit separate copy of Full Text along with this form)
[] NO

AUTHORIZED REPRESENTATIVE

Print Name: Edgar Rakestraw, Jr., Secretary of the Governing Board Date: July 30, 2012

Signature: [Handwritten Signature]

CONTACT INFORMATION (for office use) CONTACT INFORMATION (for public)

Phone #: 510/273-3238 office; 510/455-0797 cell Phone #: 510/879-8199

E-Mail: Edgar.Rakestraw@ousd.k12.ca.us E-Mail/Website: boe@ousd.k12.ca.us/http://www.ousd.k12.ca.us

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OFFICE OF THE BOARD OF EDUCATION

1025 Second Avenue, Suite 320
Oakland, CA 94606-2212
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**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

BOARD OF EDUCATION 2012

Jody London, President, District 1
Jody.London@ousd.k12.ca.us

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Jumoke.Hodge@ousd.k12.ca.us

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Edgar Rakestraw, Jr.
Secretary & Executive Officer, Board of Education
Edgar.Rakestraw@ousd.k12.ca.us

July 30, 2012

HAND DELIVERED; ENDORSED COPY REQUESTED

Dave Macdonald
Registrar of Voters
County of Alameda
1225 Fallon Street, Rm. G-1
Oakland, CA 94612

Cheryl Perkins
Acting Clerk, Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, CA 94612

CLERK, BOARD OF
SUPERVISORS' OFFICE
12 JUL 30 PM 12:25
COUNTY OF ALAMEDA

Dear Mr. Macdonald and Ms. Perkins:

Re: Oakland Unified School District Resolution No. 1112-0756 - Ordering School Bond Election
In An Amount Not To Exceed \$475,000,000

Enclosed please find an original copy of Oakland Unified School District Resolution No. 1112-0756, adopted June 27, 2012, Ordering School Bond Election In An Amount Not to Exceed \$475,000,000 ... for the District on the November 6, 2012 General Election Ballot. The particulars of the request are stated in the Resolution.

Also enclosed in the letter packet for you, Mr. Macdonald, on a flash drive, is a Microsoft Word copy of the Resolution.

The District respectfully requests each of you to take any and all necessary official actions, required by law, to cause this matter to be placed before District voters on the November 6, 2012 ballot.

I also will serve as liaison to your respective office as you prepare this measure for the ballot.

If I may respond to any questions or queries that you may have regarding the District's request, please feel free to communicate with me at 510/273-3238 (office) or 510/455-0797 (cell) or in my absence, my assistants, Linda Floyd at 510/273-3234 (office) or Ou Fin Saechao 510/273-3232 (office).

Sincerely,

Edgar Rakestraw, Jr.

ER:ofs

Enclosure: Oakland Unified School District Resolution No. 1112-0756
cc: President Jody London and Members, Board of Education (w/o enclosure)
Tony Smith, Superintendent of Schools (w/o enclosure)
Jacqueline Minor, General Counsel (w/o enclosure)

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RESOLUTION
OF THE BOARD OF EDUCATION
OF THE OAKLAND UNIFIED SCHOOL DISTRICT
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

RESOLUTION NO. 1112-0756

RESOLUTION ORDERING SCHOOL BOND ELECTION IN AN AMOUNT NOT
TO EXCEED \$475,000,000, AND AUTHORIZING NECESSARY ACTIONS IN
CONNECTION THEREWITH

COUNTY OF ALAMEDA
12 JUL 30 PM 12:26
CLERK, BOARD OF
SUPERVISORS' OFFICE

WHEREAS, the Board of Education (the "Board") of the Oakland Unified School District (the "District") is authorized to order elections within the District and to designate the specifications thereof, pursuant to Sections 5304 and 5322 of the Education Code of the State of California (the "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 Education Code Sections 15100 *et seq.*; and

WHEREAS, pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, 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 vote of at least 55% of those voting on a proposition for the purpose, provided certain accountability measures are included in the proposition; and

WHEREAS, the Board, deems it necessary and advisable to submit a bond proposition to the electors which, if approved by 55% of the votes cast, would permit the District to issue its bonds; 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

WHEREAS, on November 6, 2012, a statewide general election is scheduled to be conducted throughout the District; and

WHEREAS, the District is located entirely within the County of Alameda (the "County") and the Alameda County Superintendent of Schools has jurisdiction over the District; and

WHEREAS, the District's boundaries have not changed since the June 6, 2006 Election; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation and a proposed schedule of bond issuances, the Board has determined that

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**RESOLUTION
OF THE BOARD OF EDUCATION
OF THE OAKLAND UNIFIED SCHOOL DISTRICT
COUNTY OF ALAMEDA, STATE OF CALIFORNIA**

RESOLUTION NO. 1112-0756

**RESOLUTION ORDERING SCHOOL BOND ELECTION IN AN AMOUNT NOT
TO EXCEED \$475,000,000, AND AUTHORIZING NECESSARY ACTIONS IN
CONNECTION THEREWITH**

WHEREAS, the Board of Education (the "Board") of the Oakland Unified School District (the "District") is authorized to order elections within the District and to designate the specifications thereof, pursuant to Sections 5304 and 5322 of the Education Code of the State of California (the "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 Education Code Sections 15100 et seq.; and

WHEREAS, pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, 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 vote of at least 55% of those voting on a proposition for the purpose, provided certain accountability measures are included in the proposition; and

WHEREAS, the Board, deems it necessary and advisable to submit a bond proposition to the electors which, if approved by 55% of the votes cast, would permit the District to issue its bonds; 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

WHEREAS, on November 6, 2012, a statewide general election is scheduled to be conducted throughout the District; and

WHEREAS, the District is located entirely within the County of Alameda (the "County") and the Alameda County Superintendent of Schools has jurisdiction over the District; and

WHEREAS, the District's boundaries have not changed since the June 6, 2006 Election; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation and a proposed schedule of bond issuances, the Board has determined that,

⑦

if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the statutory limit of \$60 per year per \$100,000 of assessed valuation of taxable property pursuant to Education Code Section 15270; and

WHEREAS, Section 9400 et seq. of the Elections Code of the State of California (the "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, the Board of Education now desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, if the project to be funded by the bonds will require State matching funds for any phase, the sample ballot must contain a statement, in form prescribed by law, advising the voters of that fact, and the Board of Education finds that completion of all or a portion of certain projects listed in the bond project list will not require State matching funds not yet received by the District;

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

1. Recitals. All of the above recitals are true and correct.
2. Specifications of Election Order. Pursuant to Education Code Sections 5304, 5322, 15100 et seq., and 15266, an election shall be held within the boundaries of the Oakland Unified School District on November 6, 2012, for the purpose of submitting to the registered voters of the District the proposition contained in Exhibit A hereto.
3. Order of Election; Specifications of Ballot Measure; Abbreviation of Proposition. Pursuant to Section 13247 of the Elections Code and Education Code Sections 5322 and 15122, this Board of Education hereby directs the Registrar of Voters of the County (the "Registrar of Voters") to submit to the voters of the District at said election the proposition contained in Exhibit A-II hereto, and to use as the abbreviation of the bond proposition on the ballot the Abbreviation contained in Exhibit A-I hereto.
4. Required Certification. The Board of Education hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List of the proposition contained in Exhibit A-II hereto.
5. Delivery of Order of Election and Tax Rate Statement to County Officers. As soon as practicable following adoption of this Resolution, and in any event no later than August 10, 2012 (which date is not fewer than 88 days prior to the date set for the election), the Secretary of this Board of Education is hereby directed to cause one copy of this Resolution to be filed (1) with the Clerk of the Board of Supervisors of the County, and (2) with the Registrar of Voters of the County. The copy filed with the Registrar of Voters shall include the Tax Rate Statement (in substantially the form attached hereto as Exhibit B), completed and signed by the Superintendent of the District.

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6. Conduct of Election.

(a) Request to Registrar of Voters. Pursuant to Section 5303 of the Education Code, the Registrar of Voters is required to, and is hereby requested to, take all steps to hold the election in accordance with law and these specifications.

(b) Ballot and Voter Pamphlet. The Registrar of Voters is requested to cause the exact wording of the Abbreviation of the Measure contained in Exhibit A-I to appear on the ballot, and to print the Full Text of the Measure contained in Exhibit A-II in the voter information pamphlet to be distributed to voters pursuant to Section 13307 of the Elections Code. The full text of the measure is all that text in Appendix A hereto between the indicators:

“BEGINNING OF FULL TEXT OF MEASURE----->>>>” and

“<<<<-----END OF FULL TEXT OF MEASURE.”

(c) Consolidation. Pursuant to Education Code Section 15266(a), the election shall be consolidated with the statewide general election on November 6, 2012, and pursuant to Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the Registrar of Voters and the Board of Supervisors of the County are hereby requested to order consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same.

(d) Canvass of Results. The Board of Supervisors of the County is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

(e) Required Vote. Pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the State Constitution, the proposition contained in Appendix A shall become effective upon the affirmative vote of at least 55% of those voters voting on the proposition.

(f) Election Costs. This Board of Education shall pay all costs of the election approved by the Board of Supervisors of the County, pursuant to Education Code Section 5421.

7. No Requirement of State Matching Funds. The District has determined that the projects to be funded from the proposed bonds will not require State matching funds for any phase thereof, and that Section 15122.5 of the Education Code does not apply to the proposition, and accordingly, the Registrar of Voters is directed not to include the disclosure otherwise required by that section.

8. Ballot Arguments. The President of this Board, or any member or members of this Board as the President shall designate, are hereby authorized, but not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the proposition contained in Exhibit A hereof, within the time established by the Registrar of Voters, which shall be considered the official ballot argument of this Board as sponsor of the proposition.

9. Further Authorization. The members of this Board, the Superintendent, the Deputy Superintendent, Business Services and Operations, and all other officers of the District 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 in accordance with the terms hereof and of applicable provisions of law.

10. Effective Date; Required Vote. This Resolution shall take effect upon its adoption by a two-thirds vote of the Board of Education.

PASSED AND ADOPTED this day, June 27, 2012, by the following vote:

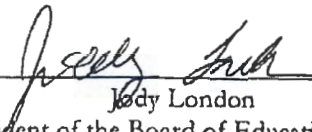
AYES: David Kakishiba, Alice Spearman, Gary Yee, Noel Gallo,
Christopher Dobbins, Vice President Jumoke Hinton Hodge,
President Jody London

NOES: None

ABSTAIN: None

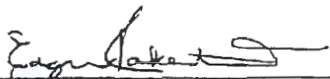
ABSENT: None

APPROVED:



Jody London
President of the Board of Education of the
Oakland Unified School District

ATTEST:



Edgar Rakstraw, Jr.
Secretary of the Board of Education of the
Oakland Unified School District

EXHIBIT A

I. ABBREVIATION OF THE MEASURE

To improve the quality of Oakland schools and school facilities to better prepare students for college and jobs, to upgrade science labs, classrooms, computers and technology, improve student safety and security, repair bathrooms, electrical systems, plumbing and sewer lines, improve energy efficiency and earthquake safety, shall the Oakland Unified School District be authorized to issue \$475 million in bonds, with an independent citizens oversight committee and annual audits to guarantee funds are spent properly to benefit Oakland children?

[75 words]

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II. FULL TEXT OF THE MEASURE

BEGINNING OF FULL TEXT OF MEASURE----->>>>>

BOND AUTHORIZATION

By approval of this proposition by at least 55% of the registered voters voting on the proposition, the Oakland Unified School District (the "District") shall be authorized to issue and sell bonds of up to \$475,000,000 in aggregate principal amount to provide financing for the specific school facilities projects listed in the Bond Project List below, and in order to qualify to receive State matching grant funds, subject to all of the accountability safeguards specified below.

ACCOUNTABILITY SAFEGUARDS

The provisions in this section are specifically included in this proposition in order that the District's voters and taxpayers 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).

Evaluation of Needs. The Board of Education hereby certifies that it has evaluated the facilities needs of the District, and the priority of addressing each of these needs. The results of the Board of Education's evaluation and its priorities are articulated in the District's Facilities Master Plan, adopted by the Board and dated May 22, 2012. In the course of its evaluation, the Board of Education took safety, class size reduction and information technology needs into consideration while developing the Facilities Master Plan and the Bond Project List.

Limitation on Use of Bond Proceeds. The State of California does not have the power to take locally approved school district bond funds for any State purposes. The Constitution allows proceeds from the sale of bonds authorized by this proposition to be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities listed in this proposition, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff only when performing work on or necessary and incidental to the bond projects.

Independent Citizens' Oversight Committee. The Board of Education shall establish an independent Citizens' Oversight Committee (pursuant to Education Code Section 15278 and following), to ensure bond proceeds are spent only for the school facilities projects listed in the Bond Project List. The committee shall be established within 60 days of the date on which the Board of Education enters the election results on its minutes.

Annual Performance Audits. The Board of Education shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in the Bond Project List.

Annual Financial Audits. The Board of Education shall conduct an annual, independent financial audit of the bond proceeds (which shall be separate from the District's regular annual financial audit) until all of those proceeds have been spent for the school facilities projects listed in the Bond Project List.

Special Bond Proceeds Account: Annual Report to Board. Upon approval of this proposition and the sale of any bonds approved, the Board of Education shall take actions necessary pursuant to Government Code Section 53410 and following 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 or the Deputy Superintendent, Business Services and Operations of the District (or such other employee as may perform substantially similar duties) shall cause a report to be filed with the Board no later than December 31 of each year, commencing December 31, 2012, 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 such officer shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board.

FURTHER SPECIFICATIONS

Specific Purposes. All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to Education Code Section 15100, and shall constitute the specific purposes of the bonds, and proceeds of the bonds shall be spent only for such purposes, pursuant to Government Code Section 53410.

Joint Use. The District may enter into agreements with the County of Alameda 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 of Education shall determine.

Rate of Interest. The bonds shall bear interest at a rate per annum not exceeding the statutory maximum, payable at the time or times permitted by law.

Term of Bonds. The number of years the whole or any part of the bonds are to run shall not exceed the legal limit, though this shall not preclude bonds from being sold which mature prior to the legal limit.

BOND PROJECT LIST

The Bond Project List below describes the specific projects the Oakland Unified School District proposes to finance with proceeds of the bonds. Listed projects will be completed as needed at a particular school site according to Board-established priorities, and the order in which such projects appear on the Bond Project List is not an indication of priority for funding or completion. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. Certain construction funds expected from non-bond sources, including State grant funds for eligible projects, have not yet been secured. Until all project costs and funding

sources are known, the Board of Education cannot determine the amount of bond proceeds available to be spent on each project, nor guarantee that the bonds will provide sufficient funds to allow completion of all listed projects. Completion of some projects may be subject to further government approvals by State officials and boards, to local environmental review, and to input from the public. For these reasons, inclusion of a project on the Bond Project List is not a guarantee that the project will be funded or completed. The Board of Education may make changes to the Bond Project List in the future consistent with the projects specified in the proposition.

Part I: District-wide authorization: the projects in this part are authorized to be completed at each or any of the District's sites, as shall be approved by the Board of Education. The examples under each project type do not form an exhaustive list.

- Construct, equip, furnish, repair and rehabilitate existing school sites to create a Full Service Community School District, including:
 - Dedicated space for early childhood development,
 - Private rooms for family counseling,
 - Childhood Development Centers,
 - Clinics for school health centers,
 - Expand and modify sites that accommodate more grade levels,
 - Improved community access to classrooms, auditoriums, multipurpose rooms, and other spaces,
 - Equip spaces for Science, Technology, Engineering and Math (STEM) programs.
- Enhance seismic safety, including:
 - Seismic retrofits.
- Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility including:
 - repairing, rehabilitating and acquiring HVAC systems, roofs, plumbing and electrical systems,
 - upgrading accessibility, improving or acquiring technology and technology infrastructure,
 - acquiring, replacing and upgrading security systems and fire alarm systems,

- removing portable classrooms and replacing them with permanent buildings,
- improving school grounds,
- renovating and/or constructing central, on-site, and community kitchens,
- constructing, renovating, and replacing school playgrounds, educational gardens, tracks and fields;
- constructing and repairing landscaping and paving, and installing improvements such as sun-shades.
- Improve energy efficiency, renewable power generation, and sustainability including:
 - installation of photovoltaic panels,
 - upgrading lighting, lighting technology, and other lighting control systems,
 - install window shades, or daylighting enhancements,
 - install / upgrade insulation,
 - perform mechanical system repairs, replacements, and upgrades
 - install and/or upgrade automatic control systems,
 - remediate storm water impacts,
 - other resource usage reduction initiatives, and
 - reduce light pollution.
- Increase utilization of under-used assets, including :
 - redeveloping administrative sites and inactive school sites,
 - reconfiguring inactive school sites for alternative uses such as teacher housing, alternative academics, and training,
 - reconfiguration of sites or parts of sites to house administrative functions, and
 - optimizing active school sites to host community partners.

- Technological and facilities improvements to support student learning & instruction, including:
 - Acquiring, modernizing or replacing classroom and instructional technology required for 21st century student learning and teaching,
 - Upgrading and expanding classrooms, labs, and specialized facilities for career and vocational technology programs,
 - Constructing, rehabilitating and modernizing classrooms, labs, and specialized facilities for high school students, and
 - Upgrading, replacing, repairing or acquiring electrical capacity and aging wiring to support instructional technology.

Part II: Site-specific authorization: the following projects are authorized at the specific sites indicated below (and are supplemental to, and do not limit the authorization set forth in, Part I).

- Washington Elementary School (581 6st Street)
 - Expand and modify sites that accommodate more grade levels (K-8),
 - Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility,
 - Enhance seismic safety.
- Roosevelt Middle School (1926 19th Avenue)
 - Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility,
 - Improve energy efficiency and renewable power generation, including the installation of solar panels,
 - Enhance seismic safety.
- McClymonds High School (2608 Myrtle Street)
 - Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility,
 - Turf field replacement,
 - Improve energy efficiency and renewable power generation, including the installation of solar panels,

- Enhance seismic safety,
- Equip spaces for Science, Technology, Engineering and Math (STEM) programs.
- Foster Elementary School (2850 West Street)
 - Convert site into a central commissary including a central kitchen, a farm produce receiving and handling center, a demonstration farm, and a food education center,
 - Enhance seismic safety.
- Fremont Federation School (4610 Foothill)
 - Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility,
 - Turf field replacement,
 - Improve energy efficiency and renewable power generation, including the installation of solar panels,
 - Enhance seismic safety.
- Glenview Elementary (4215 La Cresta Avenue)
 - Remove portable classrooms and replace them with permanent buildings,
 - Enhance seismic safety.
- Skyline High School (12250 Skyline Blvd)
 - Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility,
 - Repair and improve paving on roads and paths on campus,
 - Turf field replacement,
 - Improve energy efficiency and renewable power generation, including the installation of solar panels,
 - Enhance seismic safety,

- Equip spaces for Science, Technology, Engineering and Math (STEM) programs.
- Webster Academy (8000 Birch Street)
 - Childhood Development Center replacement.
- Whittier Elementary School (6328 East 17th Street)
 - Expand and modify sites that accommodate more grade levels (K-8),
 - Remove portable classrooms and replace them with permanent buildings,
 - Enhance seismic safety.
- Sobrante Park Elementary School (470 El Paseo Drive)
 - Upgrade and modernize school facilities, including mechanical, electrical and structural elements of permanent buildings, and improve safety, building performance, and accessibility,
 - Enhance seismic safety.
- Madison Middle School (400 Capistrano Drive)
 - Expand and modify sites that accommodate more grade levels (6-12)
 - Construct sports complex.

Each project listed is assumed to include its share of costs of the election and bond issuance and other construction-related costs, such as construction management, architectural, engineering, inspection and other planning costs, legal, accounting and similar fees, independent annual financial and performance audits, a customary construction contingency, and other costs incidental to and necessary for completion of the listed projects (whether work is performed by the District or by third parties), including:

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.).

Site preparation/restoration in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, demolition of existing structures, removing, replacing, or installing irrigation and drainage, utility lines (such as gas lines, water lines, electrical lines, sewer lines, and communication lines), trees and landscaping, relocating fire access roads, traffic lights and mitigation, and acquiring any necessary easements, licenses, or rights of way to the property.

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Rental or construction of 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.

Acquisition of any of the facilities on the Bond Project List through temporary lease or lease-purchase arrangements, or execute purchase option under a lease for any of these authorized facilities.

Furnishing and equipping of existing and newly constructed, modernized or rehabilitated classrooms and facilities on an ongoing basis, including to replace worn, broken, or out-of-date furniture and equipment for all classrooms, athletic facilities and other facilities, as needed.

For any project involving renovation, modernization, remodeling or rehabilitation of a building or the major portion of a building, the District may proceed with new replacement construction instead (including any necessary demolition), if the Board of Education determines that replacement and new construction is more practical than rehabilitation and renovation, considering the building's age, condition, expected remaining life, comparative cost, and other relevant factors.

The Bond Project List shall be considered a part of this ballot proposition, and shall be reproduced in any official document required to contain the full statement of the bond proposition.

<<<<<-----END OF FULL TEXT OF MEASURE.

EXHIBIT B

TAX RATE STATEMENT

An election will be held in the Oakland Unified School District (the "District") on November 6, 2012, to authorize the sale of up to \$475,000,000 in bonds of the District to finance school facilities as described in the measure. If the bonds are approved, the District plans to sell the bonds in 4 series over a period of approximately 6 years. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The information presented in numbered paragraphs 1-3 below is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California.

1. The best estimate of the maximum tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is no more than three and nine-tenths cents per \$100 (\$39 per \$100,000) of assessed valuation in fiscal year 2013-14.

2. The best estimate of the maximum tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is no more than six cents per \$100 (\$60 per \$100,000) of assessed valuation in fiscal year 2019-20.

3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is six cents per \$100 (\$60 per \$100,000) of assessed valuation, which is estimated to apply in fiscal year 2019-20.

Approval of the ballot measure authorizes the issuance of bonds under certain conditions, and is not approval of a specific tax rate or a specific bond issuance plan. The tax rate estimates in this statement reflect the District's current projection of future assessed values and of future debt service payments, which are based on certain assumptions. The actual tax rates 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 and repayment structure of bonds sold, 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 of the bonds and the amount and repayment structure of bonds sold at any given time will be determined by the District based on its need for construction funds, its intention to meet the tax rate targets stated above, the legal limitations on bonds approved by a 55% vote, and other factors. The actual interest rates at which the bonds are 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.

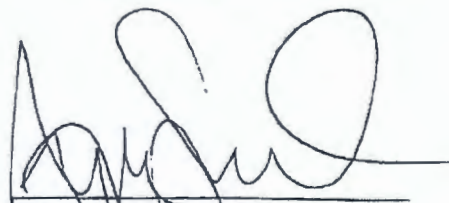
Voters should note that the estimated tax rates are based on the ASSESSED VALUE of taxable property in the District as shown on the County's official tax rolls, not on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Dated: June 27, 2012.

I attest that the historical assessed value data used as a basis of these estimates are accurate.



Assessor
Alameda County


Superintendent
Oakland Unified School District

SECRETARY'S CERTIFICATE

I, Edgar Rakestraw, Jr., Secretary, Board of Education of the Oakland Unified School District, County of Alameda, California, do hereby certify as follows:

The attached is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Education of the District duly and regularly held at the regular meeting place thereof on June 27, 2012, and entered in the minutes thereof, of which meeting all of the members of the Board of Education had due notice and at which a quorum thereof was present. The resolution was adopted by the following vote:

AYES: David Kakishiba, Alice Spearman, Gary Yee, Noel Gallo, Christopher Dobbins, Vice President Jumoke Hinton Hodge, President Jody London

NOES: None

ABSTAIN: None

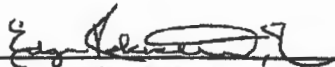
ABSENT: None

An agenda of said meeting was posted at least 72 hours before said meeting at 1025 Second Avenue, Oakland, California, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda. A copy of said agenda is attached hereto,

I have carefully compared the same with the original minutes of the meeting on file and of record in my office. The resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Pursuant to Section 6 of said resolution, I have caused a certified copy thereof to be filed with the Clerk of the Board of Supervisors of the County.

WITNESS my hand this 27th day of June, 2012.



Edgar Rakestraw, Jr.
Secretary, Board of Education
Oakland Unified School District