

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF EDUCATION OF THE LOS ANGELES UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION TO AUTHORIZE THE ISSUANCE OF SCHOOL BONDS, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AUTHORIZING NECESSARY ACTIONS IN CONNECTION THEREWITH, AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON NOVEMBER 3, 2020

WHEREAS, Los Angeles Unified School District (the “District”), located in the County of Los Angeles (the “County”), is committed to ensuring all of its public school students have access to a high-quality educational program in school facilities, classrooms, and labs that are environmentally and physically safe, secure, updated, and support 21st century learning; and

WHEREAS, the Coronavirus Disease 2019 (“COVID-19”) pandemic has highlighted the essential role that schools play in our community and the importance of in-person teaching and learning; and

WHEREAS, 131 new schools and 65 school additions have been built to end year-round calendars, to relieve severe overcrowding and provide some students with quality local schools; and

WHEREAS, nearly 22,600 rehabilitation, modernization, and replacement projects have been completed; and

WHEREAS, such improvements are not only benefiting students, teachers and the communities they serve, but also the local economy and workforce by generating more than 350,000 full-time jobs and more than \$1 billion in wages, and local tax revenues to date; and

WHEREAS, while the progress made to build schools and reduce overcrowding is significant, the reality is that the District has serious unmet needs when it comes to rehabilitating and upgrading our schools; and

WHEREAS, current estimates show over \$50 billion of unfunded facilities needs at approximately 1,100 schools and centers district-wide, and those needs grow every year; and

WHEREAS, the majority of students are learning in old and outdated classrooms, while some students are learning in schools that are new or have already been updated and modernized; and

WHEREAS, over 500 schools serving approximately 380,000 students need to be comprehensively modernized to provide equity between newer schools and older, aging schools; and

WHEREAS, such disparity between facilities is unfair and puts many students at risk of falling behind in preparing for college and career, simply because of the neighborhood they live in; and

WHEREAS, more than 70% of school buildings within the District were built more than 50 years ago, and many are deteriorating, and do not meet today's standards for learning and safety; and

WHEREAS, approximately 500 school buildings at schools serving more than 175,000 students, need to be evaluated for earthquake safety and many will need to be retrofitted, modernized or replaced for earthquake safety; and

WHEREAS, the District is committed to upgrading schools to ensure and maintain full compliance with the Americans with Disabilities Act ("ADA") and meet the needs of all students; and

WHEREAS, approximately 500 schools need new or updated science labs, as well as expanded and renovated art, music, and performing arts spaces; and

WHEREAS, nine million square feet of school roofs and 38,000 school heating ventilation and air conditioning units are old, unreliable, and need replacement now; and

WHEREAS, hundreds of schools require a camera/buzzer system to provide a secure, controlled, entry point to help keep them safe and secure; and

WHEREAS, over 500 schools need public address and intercommunications systems replaced now; and

WHEREAS, schools need upgraded cafeterias so that they can better serve students, 40 schools need an actual cafeteria to replace a "hot shack," 280 schools need upgraded kitchen equipment, and nearly 500 need new or upgraded air conditioning; and

WHEREAS, the COVID-19 crisis has made it necessary to reimagine school facilities to ensure teaching and learning can happen in a safe environment; and

WHEREAS, schools now need COVID-19 adaptations such as well-ventilated spaces, hand sanitizing stations, touchless faucets, automatic flush urinals and toilets, motion sensor hand dryers, touchless/hands-free/automatic doors, and physical barriers such as clear plastic sneeze guards to help keep students, teachers and staff safe; and

WHEREAS, schools, students and teachers rely on individual computing devices as a necessary learning tool; and

WHEREAS, on average schools will need 119,400 new computing devices annually, and a total of 1.2 million new individual computing devices over 12 years as the existing devices age, become unreliable and no longer perform as needed to support teaching and learning; and

WHEREAS, there is significant unmet need for preschool seats in the Los Angeles area; and

WHEREAS, in the County approximately 230,000 children, ages two to four, lack access to a seat in a licensed childcare center, and within the boundaries of the District alone, more than 110,000 children, ages two to four do not have access to a seat in a licensed neighborhood facility; and

WHEREAS, providing students with access to outdoor spaces can build their health, contribute to their cognitive and social/emotional development, improve sensory skills, increase attention spans, and improve students' moods and happiness, however many schools lack adequate outdoor learning spaces; and

WHEREAS, the District serves over 70,000 adult education students annually in 10 adult education centers and over 140 satellite locations throughout the District that are aging and outdated; and

WHEREAS, the District's adult education facilities need to be replaced and upgraded so they are safe, functional, support 21st century learning and align with regional industry sectors and career pathways such as: health care, information technology, automotive, construction and aviation training; and

WHEREAS, a new bond measure will create thousands of local jobs benefitting the region's economy; and

WHEREAS, on December 5, 2019, the Board of Education of the District (the "Board") passed the *Transitioning Los Angeles Unified School District to 100% Clean, Renewable Energy Resulting in Healthier Students and More Sustainable, Equitable Communities (Res 018-19/20)* Resolution, which committed the District to transition to 100% clean, renewable energy in its electricity sector by 2030 and in all other energy sectors by 2040, requiring improvements and modifications to school facilities; and

WHEREAS, upgrades to outdated schools will also include important clean, renewable energy improvements, resulting in more sustainable learning environments, communities, and healthier students; and

WHEREAS, all District bond measures are subject to strict oversight and accountability, all expenditures are reviewed by an independent citizens' oversight committee, and all bond projects, contracts and activities are subject to review, audit or investigation by an inspector general; and

WHEREAS, the District needs to continue to address facilities inequities throughout the District so that each and every student has access to a safe, updated and modernized school that supports 21st century teaching and learning; and

WHEREAS, the Board recognizes the need to continue investing in the needs of students; and

WHEREAS, the 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 (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 authorized pursuant to Education Code Sections 15100 *et seq.*; and

WHEREAS, pursuant to a two-thirds vote of the Board and subject to Section 15100 of the Education Code, pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution, and Section 15266 of the Education Code, the Board is specifically authorized to seek approval of bonds and levy an *ad valorem* tax to repay those bonds upon a 55% vote of those voting on a measure for the purposes hereinafter specified, provided certain accountability requirements are included in the measure, including (a) that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b)(3) of the California Constitution, and not for teacher and administrator salaries, school operating expenses, or any other purpose; (b) that a list of the specific school facilities projects to be funded be included, and certification that the Board has evaluated safety, class size reduction and information technology needs in developing that list; (c) that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed; and (d) that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects; and

WHEREAS, the Board deems it necessary and advisable to submit such a bond measure (the “Measure”) to the electors, which, if approved by 55% of the votes cast, would permit the District to issue its bonds; and

WHEREAS, the Board has evaluated the facilities needs of the District in order to determine which projects to finance from a local bond at this time; and

WHEREAS, in order to address the facilities needs of the District, the Board deems it necessary and advisable to fund the specific school facilities projects listed under the heading entitled “BOND PROJECT LIST” included in the full text of the Measure in Exhibit A attached hereto (the “Bond Project List”); and

WHEREAS, the Board has determined that the projects listed on the Bond Project List are authorized to be financed with bonds of the District under subsection (a) of Section 15100 of the Education Code and are for purposes specified in Article XIII A, Section 1(b)(3) of the California Constitution, and not for any other purpose, including teacher and administrator salaries and other school operating expenses; and

WHEREAS, in accordance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, and as provided in the full text of the Measure, the

Board has evaluated safety, class size reduction and information technology needs in developing the Bond Project List; and

WHEREAS, in accordance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, and as provided in the full text of the Measure, annual, independent performance and financial audits shall be required as part of the Measure; and

WHEREAS, in addition to accountability provisions required by paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution and Section 15266 of the Education Code, the Board has determined that, prior to being funded, projects listed on the Bond Project List will be included in a Strategic Execution Plan that sets forth the scope of work to be undertaken and provides cost estimates and proposed schedules for such projects; and

WHEREAS, pursuant to Section 15278 of the Education Code, if a bond measure is authorized in accordance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution, the governing board of the school district shall establish and appoint members to an independent citizens' oversight committee to ensure that (a) bond revenues are expended only for the purposes specified in Article XIII A, Section 1(b)(3) of the California Constitution, and (b) that no funds are used for any teacher or administrative salaries or other school operating expenses; and

WHEREAS, in compliance with Section 15278 of the Education Code and in accordance with the District's School Construction Bond Citizens' Oversight Committee Charter and Memorandum of Understanding, dated April 18, 2017, as previously restated, amended or supplemented and as may be further restated, amended or supplemented from time to time, the Board has established and appointed members to an independent citizens' oversight committee which oversees the expenditure of bond proceeds with respect to all bond measures of the District and such committee will act as the independent citizens' oversight committee for the Measure; and

WHEREAS, a bond election authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution, must be conducted concurrent with a statewide primary election, general election or special election, or at a regularly scheduled local election at which all of the electors of the District are entitled to vote, as required by Section 15266 of the Education Code; and

WHEREAS, on November 3, 2020, a statewide general election is scheduled to be conducted throughout the District; and

WHEREAS, subsection (c) of Section 15100 of the Education Code provides that, before the governing board of a school district may order an election pursuant to Education Code Sections 15100 *et seq.*, it shall obtain reasonable and informed projections of assessed property

valuations that take into consideration projections of assessed property valuations made by the county assessor; and

WHEREAS, although the County Assessor does not make projections of assessed property valuations beyond the next succeeding tax year, the Board has been presented with projections of assessed property valuations of the property within the boundaries of the District that take into consideration, among other things, the long-term historical average growth rates of the District’s assessed property valuations and the Board finds those projections to be reasonable and informed; and

WHEREAS, the Board has determined that, based upon such projections of assessed property valuation, 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 maximum tax rate permitted by Section 15270 of the Education Code; and

WHEREAS, Section 9400 *et seq.* of the California Elections Code (the “Elections Code”) requires that a tax information statement be contained in all official materials, including any voter information guide prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, if a project or projects to be funded by the bonds will require State of California matching grant funds for any phase, the sample ballot must contain a statement, in the form prescribed by law, advising the voters that such project is subject to the approval of State matching funds and, therefore, passage of the bond measure is not a guarantee that the project will be funded, and the Board finds that completion of all or a portion of certain of the projects listed in the Bond Project List may require State matching grant funds for one or more phases thereof;

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

Section 1. **Recitals.** All of the above recitals are true and correct.

Section 2. **Specifications of Election Order; Required Certification.** Pursuant to Education Code Sections 5304, 5322, 15100 *et seq.*, and 15266, and paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution, a special election shall be held within the boundaries of the District on November 3, 2020, for the purpose of submitting to the registered voters of the District the Measure contained in Exhibit A attached hereto. In accordance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, and as provided in the full text of the Measure, the Board hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

Section 3. **Conduct of Election.** (a) *Request to County Officers.* Pursuant to Section 5303 of the Education Code, the Registrar of Voters of the County (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) *Abbreviation of Measure.* Pursuant to Sections 13119 and 13247 of the Elections Code and Sections 5322 and 15122 of the Education Code, the Board hereby directs the Registrar of Voters to use the following statement of the Measure on the ballot:

“SCHOOL UPGRADES AND SAFETY MEASURE: To update classrooms/labs/technology for 21st century learning; implement COVID-19 facility safety standards; address school facility inequities; reduce asbestos, earthquake and water quality hazards; and replace/renovate aging school classrooms/buildings, shall Los Angeles Unified School District’s measure be adopted authorizing \$7,000,000,000 in bonds at legal rates, levying approximately \$0.02174 per \$100 of assessed valuation, generating an estimated \$329,528,000 annually until approximately 2055, with independent audits, citizens’ oversight, no funds for administrative salaries?”

(c) *Voter Pamphlet.* The Registrar of Voters is hereby requested to reprint the full text of the Measure as set forth in Exhibit A in its entirety in the voter information pamphlet to be distributed to voters.

(d) *State Matching Funds.* The District hereby requests that the Registrar of Voters include the following statement in the sample ballot, pursuant to Section 15122.5 of the Education Code:

“Approval of Measure ___ does not guarantee that the proposed project or projects in the Los Angeles Unified School District that are the subject of bonds under Measure ___ will be funded beyond the local revenues generated by Measure __. The District’s proposal for the project or projects may assume the receipt of matching State funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.”

(e) *Consolidation Requirement.* Pursuant to Section 15266, subdivision (a) of the Education Code, the election shall be consolidated with the statewide general election on November 3, 2020, and pursuant to Education Code Section 5342 and 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. The District hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed by Section 10418 of the Elections Code.

(f) *Impartial Analysis.* The District hereby requests that pursuant to Section 9500 of the Elections Code, the Registrar of Voters shall transmit a copy of the Measure to the County Counsel, who shall prepare an impartial analysis of the Measure.

(g) *Canvass of Results.* The Board of Supervisors of the County is authorized and requested to canvass the returns of the election, pursuant to Section 10411 of the Elections Code.

(h) *Required Vote.* Pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, the Measure shall become effective upon the affirmative vote of at least 55% of the voters of the District voting on the Measure.

(i) *Election Costs.* The District shall pay all costs of the election determined by the Registrar of Voters and approved by the Board of Supervisors of the County pursuant to Education Code Section 5421.

Section 4. Delivery of Order of Election to County Officers. The Executive Officer of the Board of the District is hereby directed to cause to be filed as soon as practicable, and in any event no later than August 7, 2020 (which date is not fewer than 88 days prior to the date set for the election), one copy of this Resolution to the Registrar of Voters, including the tax information statement attached hereto as Exhibit B, containing the information required by Elections Code Section 9400 *et seq.*, completed and signed by the Superintendent of the District, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of the County. With respect to the tax information statement attached hereto as Exhibit B, the Board hereby adopts the procedures set forth in Election Code Section 9405. Pursuant to Section 12113 of the Elections Code, the Executive Officer of the Board shall also post in the District office all notices published with respect to the election by, and received from, the Registrar of Voters. If the Executive Officer of the Board is unavailable to perform any function prescribed herein, the Superintendent shall designate another person to perform that function.

Section 5. Ballot Arguments. The Superintendent of the District, or such other officer or employee of the District as the Superintendent may designate, is hereby authorized, but not directed, to prepare and file with the Registrar of Voters, on behalf of the Board, a ballot argument in favor of the Measure and a rebuttal argument to the argument against the Measure, if any, within the time established by the Registrar of Voters, which arguments shall be considered the official arguments of the Board for purposes of Section 9503 and 9504 of the Elections Code.

Section 6. Further Authorization. The members of the Board, the Superintendent of the District, 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.

Section 7. Effective Date. This Resolution shall take effect upon its adoption by a two-thirds vote.

PASSED AND ADOPTED this day, August 4, 2020, by the Board of Education of the Los Angeles Unified School District.

By: _____
Executive Officer of the Board of Education
of the Los Angeles Unified School District