

California Department of Education

Executive Office

SBE-005 (REV. 1/2018)

General Waiver

# California State Board of EducationMarch 2021 AgendaItem #W-04

## Subject

Request by **six local educational agencies** towaive California *Education Code* sections 15102, 15106, 15268, and 15270(a) to allow the districts to exceed their bonded indebtedness limits. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts and 2.50 percent of the taxable assessed valuation of property for unified school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for elementary school districts and $60 per $100,000 of assessed value for unified school districts may also apply.

## Waiver Numbers

* Center Joint Unified School District: 7-12-2020
* Earlimart Elementary School District: 8-12-2020
* Greenfield Union School District: 15-12-2020
* John Swett Unified School District: 17-12-2020
* Mountain View Elementary School District: 9-12-2020
* Winters Joint Unified School District: 16-12-2020

## Type of Action

Action, Consent

## Summary of the Issues

The Center Joint Unified School District’s (Center JUSD) bonded indebtedness is statutorily limited not to exceed 2.50 percent, which prohibits it from proceeding with its proposed issuance of $30 million from Measure N, which was approved by voters in November 2008. The district is requesting that the State Board of Education (SBE) authorize the district to exceed its statutory bonding capacity limit to a rate up to, but not to exceed, 3.23 percent.

The Earlimart Elementary School District’s (Earlimart ESD) bonded indebtedness is statutorily limited not to exceed 1.25 percent, which prohibits it from proceeding with its proposed issuance of $1.9 million from Measure M, which was approved by voters in November 2016. The district is requesting that the SBE authorize the district to exceed its statutory bonding capacity limit to a rate up to, but not to exceed, 1.58 percent.

The Greenfield Union School District’s (Greenfield Union) bonded indebtedness is statutorily limited not to exceed 1.25 percent, which prohibits them from proceeding with its proposed issuance of no more than $21 million from Measure G, which was approved by voters in November 2020, and Measure H, which was approved by voters in November 2006. The district is requesting that the SBE authorize the district to exceed its statutory bonding capacity limit to a rate up to, but not to exceed, 1.84 percent.

The John Swett Unified School District’s (John Swett USD) bonded indebtedness is statutorily limited not to exceed 2.50 percent, which prohibits it from proceeding with its proposed issuance of $9.2 million from Measure P, which was approved by voters in November 2016. The district is requesting that the SBE authorize the district to exceed its statutory bonding capacity limit to a rate up to, but not to exceed, 2.61 percent.

The Mountain View Elementary School District’s (Mountain View ESD) bonded indebtedness is statutorily limited not to exceed 1.25 percent, which prohibits it from proceeding with its proposed issuance of the remaining $6.1 million from Measure SS, which was approved by voters in November 2016, as well as $56.0 million from Measure M, which was approved by voters in March 2020, for a cumulative issuance of $62.1 million. The district is requesting that the SBE authorize the district to exceed its statutory bonding capacity limit to a rate up to, but not to exceed, 2.93 percent.

The Winters Joint Unified School District’s (Winters JUSD) bonded indebtedness is statutorily limited not to exceed 2.50 percent, which prohibits it from proceeding with its proposed issuance of the remaining $5.6 million from Measure P, which was approved by voters in November 2018, as well as $19 million from Measure W, which was approved by voters in November 2020, for a cumulative issuance of $24.6 million. The district is requesting that the SBE authorize the district to exceed its statutory bonding capacity limit to a rate up to, but not to exceed, 4.92 percent.

## Authority for Waiver

California *Education Code (EC)* Section 33050

## Recommendation

* Approval: No
* Approval with conditions: Yes
* Denial: No

The California Department of Education (CDE) recommends that the bonded indebtedness limit be waived for each of the districts with the following conditions:
(1) the periods of request do not exceed the recommended period on Attachment 1; (2) the total bonded indebtedness does not exceed the recommended new maximum shown on Attachment 1; (3) the districts do not exceed the statutory tax rate; (4) the waivers are limited to the sale of bonds approved by the voters on the measures noted on Attachment 1; and (5) the districts comply with the statutory requirements of Assembly Bill 182 related to school bonds, which became effective on January 1, 2014.

## Summary of Key Issues

The California *EC* provides limits related to a district’s total bonded indebtedness. *EC* sections 15102 and 15268 limit an elementary school district’s total general obligation (G.O.) bond indebtedness to 1.25 percent, and *EC* sections 15106 and 15270(a) limit a unified school district’s total G.O. bond indebtedness to 2.50 percent.

To raise funds to build or renovate school facilities, with voter authorization, school districts may issue G.O. bonds. Under Proposition 46, school districts are allowed to increase the property tax rate above one percent for the period necessary to pay off new G.O. bonds if the following conditions are met:

* Two-thirds of those voting in a local election have approved the issuance of the bonds.
* The money raised through the sale of the bonds is exclusively used to purchase or improve land and buildings.

In November 2000, districts were given another option for authorizing and issuing bonds when California voters passed Proposition 39, which allows school bonds to be approved with a 55 percent majority vote if the district abides by several administrative requirements, such as establishing an independent Citizens’ Oversight Committee to oversee the use of the funds. Once G.O. bonds are authorized, school districts issue the bonds in increments as needed to fund their facility projects. When the voters authorize a local G.O. bond, they are simultaneously authorizing a property tax increase to pay the principal and interest on the bond. For Proposition 39 bonds, *EC* Section 15268 limits the tax rate levy authorized in each election to $30 per $100,000 of taxable property for elementary school districts and *EC* Section 15270(a) limits the tax rate levy authorized in each election to $60 per $100,000 of taxable property for unified school districts.

Without a waiver, school districts that are close to their bonding capacity must decide either to issue fewer bonds, delay the issuance of bonds until their assessed valuation increases, or obtain other more expensive non-bond financing to complete their projects, the costs of which could be paid from district general funds. Therefore, the CDE has historically recommended that the SBE approve related waiver requests with the condition that the statutory tax levies are not exceeded at the time the bonds are issued.

AB 182 (Chapter 477, Statutes of 2013) has established parameters for the issuance of local education bonds that allow for the compounding of interest, including capital appreciation bonds (CABs). AB 182 requires a district governing board to do the following:

* Before the bond sale, adopt a resolution at a public meeting that includes specific criteria, including being publicly noticed on at least two consecutive meeting agendas.
* Be presented with an agenda item at a public board meeting that provides a financial analysis of the overall costs of the bonds, a comparison to current interest bonds, and reasons why the compounding interest bonds are being recommended.
* After the bond sale, present actual cost information at the next scheduled public meeting and submit the cost information of the sale to the California Debt and Investment Advisory Commission.

### Center JUSD

Center JUSD wishes to proceed with its proposed issuance of $30 million from Measure N, which was approved by voters in November 2008. The issuance will go toward a new school site at Sierra Vista to accommodate additional students anticipated from developments in Placer County. The issuance of $30 million will increase the district’s outstanding bonded indebtedness limit to a rate up to, but not to exceed, 3.23 percent. The district initially requested a rate of up to 3.24 percent; however, as a result of CDE analysis, 3.23 percent was what could be substantiated. The district has concurred with the CDE analysis and agrees with the recommendation.

### Earlimart ESD

Earlimart ESD wishes to proceed with its proposed issuance of the remaining
$1.9 million from Measure M, which was approved by voters in November 2016. The issuance will go toward modernizing and constructing classrooms and necessary student support facilities for school and community use; improving health, student safety, and security; and providing classroom technology infrastructure. The issuance of $1.9 million will increase the district’s outstanding bonded indebtedness limit to a rate up to, but not to exceed, 1.58 percent.

The waiver request originally came in with a proposed ending date of June 30, 2025, but was amended by the district to June 30, 2026 after consultation with CDE so that the ending date would occur after the district would be back under its statutorily prescribed limit.

The district sought a previous waiver that was approved by the SBE in November 2018 (<https://www.cde.ca.gov/be/ag/ag/yr18/documents/nov18w06.docx>). This waiver was for an issuance of $1.95 million from Measure M, increasing the district’s outstanding bonded indebtedness limit to 1.34 percent, and it expires on December 31, 2022. The current waiver request is inclusive of the issuances authorized through the November 2018 request.

### Greenfield Union

Greenfield Union wishes to proceed with its proposed issuance of no more than $21 million from Measures G and H, which were approved by voters in November 2020 and November 2006, respectively. The issuance will go toward upgrading classrooms, science labs, and school facilities to relieve overcrowding and support student achievement in math, science, engineering, reading, arts, and technology; and improving student safety/security. The issuance of $21 million will increase the district’s outstanding bonded indebtedness limit to a rate up to, but not to exceed, 1.84 percent.

### John Swett USD

John Swett USD wishes to proceed with its proposed issuance for the remaining
$9.2 million from Measure P, which was approved by voters in November 2016. The issuance will go toward the reconstruction of the district’s sole middle school. The issuance of $9.2 million will increase the district’s outstanding bonded indebtedness limit to a rate up to, but not to exceed, 2.61 percent, as stated in Resolution No. (20-21) 07.

### Mountain View ESD

Mountain View ESD wishes to proceed with its proposed issuance of the remaining $6.1 million from Measure SS, which was approved by voters in November 2016, as well as $56 million from Measure M, which was approved by voters in March 2020, for a cumulative issuance of $62.1 million. The issuance will go toward school facilities that are outdated and in need of upgrades and renovations. The issuance of $62.1 million will increase the district’s outstanding bonded indebtedness limit to a rate up to, but not to exceed, 2.93 percent.

### Winters JUSD

Winters JUSD wishes to proceed with its proposed issuance of the remaining $5.6 million from Measure P, which was approved by voters in November 2018, as well as $19 million from Measure W, which was approved by voters in November 2020, for a cumulative issuance of $24.6 million. The issuance will go toward facility improvements, including the repair, or replacement, of leaking roofs, modernizing outdated classrooms, restrooms and school facilities. The issuance of $24.6 million will increase the district’s outstanding bonded indebtedness limit to a rate up to, but not to exceed, 4.92 percent.

The district sought a previous waiver that was approved by the SBE in March 2019 (<https://www.cde.ca.gov/be/ag/ag/yr19/documents/mar19w07.docx>). This waiver was for an issuance of $11 million from Measure D and $20 million from Measure P, increasing the district’s outstanding bonded indebtedness limit to 4.49 percent, and it expires on August 1, 2032.

### Demographic Information

Center JUSD has a student population of 4,258 and is located in Sacramento County.

Earlimart ESD has a student population of 1,614 and is located in Tulare County.

Greenfield Union has a student population of 9,600 and is located in Kern County.

John Swett USD has a student population of 1,439 and is located in Contra Costa County.

Mountain View ESD has a student population of 6,079 and is located in Los Angeles County.

Winters JUSD has a student population of 1,527 and is located in Yolo County.

**Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in *EC* Section 33051(a), available on the California Legislation Information Web page at** <https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=33051.>

## Summary of Previous State Board of Education Discussion and Action

The SBE has approved all bond limit waiver requests limited to the sale of already authorized bonds and at the tax rate levy stated on the bond measure.

## Fiscal Analysis

Approval of the waivers would allow the districts to accelerate their issuance of voter-approved bonds.

## Attachments

* **Attachment 1:** Summary Table (6 pages)
* **Attachment 2:** Center Joint Unified School District General Waiver Request
7-12-2020 (3 pages). (Original waiver request is on file in the Waiver Office.)
* **Attachment 3:** Earlimart Elementary School District General Waiver Request
8-12-2020 (3 pages). (Original waiver request is on file in the Waiver Office.)
* **Attachment 4:** Greenfield Union School District General Waiver Request
15-12-2020 (3 pages). (Original waiver request is on file in the Waiver Office.)
* **Attachment 5:** John Swett Unified School District General Waiver Request
17-12-2020 (2 pages). (Original waiver request is on file in the Waiver Office.)
* **Attachment 6:** Mountain View Elementary School District General Waiver Request 9-12-2020 (3 pages). (Original waiver request is on file in the Waiver Office.)
* **Attachment 7:** Winters Joint Unified School District General Waiver Request
16-12-2020 (3 pages). (Original waiver request is on file in the Waiver Office.)

# Attachment 1: Summary Table

 California *Education Code* (*EC*) Section 15102 et seq.

| **Waiver Number** | **District** | **Period of Request** | **District’s Request** | **CDE Recommended** | **Bargaining Unit Representatives** | **Local Board, Public Hearing, and Advisory Committee Approval** |
| --- | --- | --- | --- | --- | --- | --- |
| 7-12-2020 | Center Joint Unified School District | **Requested:**March 17, 2021 to June 30, 2023**Recommended:** March 18, 2021 to June 30, 2023 | **Requested:**Debt Limit: 3.24%**Recommended:**Debt Limit: 3.23% | Debt Limit: 3.23%Limited to sale of bonds applicable to Measure N, approved by voters in the November 2008 electionTax Rate $60 per $100,000 (authorization approved under Proposition 39) | California School Employees Association (CSEA)Marie Huggins, President12/16/2020**Neutral**Center Unified Teachers AssociationVenessa Mason, President12/16/2020**Support** | Local Board Approval Date: 11/18/2020Public Hearing Date: 11/18/2020Public Hearing Advertised: Posted Notice of a Public Hearing in The Daily Recorder (11/3/2020)CJUSD Facilities Committee12/16/2020**No Objections** |
| 8-12-2020 | Earlimart Elementary School District | **Requested:**March 17, 2021 to June 30, 2026**Recommended:** March 18, 2021 to June 30, 2026 | **Requested:**Debt Limit: 1.58%**Recommended:**Debt Limit: 1.58% | Debt Limit: 1.58%Limited to sale of bonds applicable to Measure M, approved by voters in the November 2016 election | CSEAChristy Raper, Vice President12/10/2020**Support**Earlimart Teachers AssociationLori Newsome, President12/10/2020**Support** | Local Board Approval Date: 11/17/2020Public Hearing Date: 11/17/2020Public Hearing Advertised: Posted Notice of a Public Hearing in the Visalia Times Delta (11/6/2020)Bond Advisory Committee12/10/2020**No Objections** |
| 15-12-2020 | Greenfield Union School District | **Requested:**March 19, 2021 March 19, 2027**Recommended:** March 18, 2021 March 19, 2027 | **Requested:**Debt Limit: 1.84%**Recommended:**Debt Limit: 1.84% | Debt Limit: 1.84%Limited to sale of bonds applicable to Measures G and H, approved by voters in the November 2020 and November 2006 electionsTax Rate $30 per $100,000 (authorization approved under Proposition 39) | CSEAMarvella Richard, Union President12/02/2020**Support**Greenfield Teachers AssociationAshley Dawson, President12/15/2020**Support** | Local Board Approval Date: 12/16/2020Public Hearing Date: 12/16/2020Public Hearing Advertised: Posted Notice in the Bakersfield Californian (12/4/2020)Bond Oversight Committee12/7/2020**No Objections** |
| 17-12-2020 | John Swett Unified School District | **Requested:**March 19, 2021 September 1, 2021**Recommended:** March 18, 2021 September 1, 2021 | **Requested:**Debt Limit: 2.61%**Recommended:**Debt Limit: 2.61% | Debt Limit: 2.61%Limited to sale of bonds applicable to Measure P, approved by voters in the November 2016 electionTax Rate $60 per $100,000 (authorization approved under Proposition 39) | CSEA Chapter No. 72Annie Miller, President11/18/2020**Neutral**John Swett Education AssociationMagret Nunes, President11/20/2020**Support** | Local Board Approval Date: 12/9/2020Public Hearing Date: 12/9/2020Public Hearing Advertised: Published Notice in the West County Times (11/25/2020)Citizens' Bond Oversight Committee12/03/2020**No Objections** |
| 9-12-2020 | Mountain View Elementary School District | **Requested:**March 1, 2021 December 1, 2037**Recommended:** March 18, 2021 December 1, 2037 | **Requested:**Debt Limit: 2.93%**Recommended:**Debt Limit: 2.93% | Debt Limit: 2.93%Limited to sale of bonds applicable to Measure SS, approved by voters in the November 2016 election, and Measure M, approved by voters in the March 2020 election | CSEA Charles T. Kranz Chapter 430Isaac Trujillo, President10/09/2020**Support**Mountain View Teachers AssociationLaura Gaber, President10/09/2020**Support** | Local Board Approval Date: 11/05/2020Public Hearing Date: 11/05/2020Public Hearing Advertised: Public hearing occurred at properly noticed Board meeting.District Facilities Advisory Committee12/16/2020**No Objections** |
| 16-12-2020 | Winters Joint Unified School District | **Requested:**March 1, 2021 August 1, 2043**Recommended:** March 18, 2021 August 1, 2043 | **Requested:**Debt Limit: 4.92%**Recommended:**Debt Limit: 4.92% | Debt Limit: 4.92%Limited to sale of bonds applicable to Measure P, approved by voters in the November 2018 election, and Measure W, approved by voters in the November 2020 electionTax Rate $60 per $100,000 (authorization approved under Proposition 39) | CSEATracy Murrin, President11/30/2020**Support**Winters Area Employees AssociationJoAnn May, President12/07/2020**Support**Winters Area Pupil Personnel Services UnitLizette Ortiz, President12/07/2020**Support** | Local Board Approval Date: 12/17/2020Public Hearing Date: 12/17/2020Public Hearing Advertised: The District posted a notice of public hearing at each school site, three places within the District and, on December 2, in the local newspaper, The Davis EnterpriseDistrict English Learner Advisory Committee12/17/2020**No Objections** |

Created by the California Department of Education

January 2021

# Attachment 2: **Center Joint Unified School District General** **Waiver Request 7-12-2020**

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 3473973

Waiver Number: 7-12-2020

Active Year: 2020

Date In: 12/17/2020 4:10:51 PM

Local Education Agency: Center Joint Unified

District Address: 8408 Watt Ave.

Antelope, CA 95843

Start: 3/17/2021

End: 6/30/2023

Waiver Renewal: No

Waiver Topic: School Construction Bonds

*Ed Code* Title: Bond Indebtedness Limit - Unified S.D.

*Ed Code* Section: 15270

*Ed Code* Authority: 33050

*Education Code* or *CCR* to Waive: 15270. (a) Notwithstanding Sections 15102 and 15268, any unified school district may issue bonds under this article that when added with bonds pursuant to Chapter 1 (commencing with Section 15100), shall not exceed [2.50 percent] of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located.

Outcome Rationale: The District requests that its outstanding bonded indebtedness limit be increased to an amount not to exceed 3.24% through and until June 30, 2023. The District wishes to issue an additional $30 million of its 2008 GO Bond authorization by the end of Calendar Year 2021. The District’s current outstanding bonded indebtedness of approximately $53.3 million equates to 2.07% of the District’s total 2020-21 assessed valuation (AV). With the addition of the proposed $30 million, total indebtedness equal approximately $83.3 million and represent 3.24% of AV, which is above the state’s maximum allowed ratio of 2.50%.

In November of 2008, the voters approved Measure “N”, which allowed for the issuance of up to $500 million of General Obligation (GO) bonds to finance school facilities projects including building new schools and modernizing existing schools. The District is currently in the planning stages for a new school site at Sierra Vista to accommodate additional students anticipated from developments in Placer County. Once architectural plans are submitted and approved by the State next year, the District will need to issue additional bonds in order to have funds to proceed with construction. If approved, the waiver would allow the District to issue bonds and proceed with construction shortly after plans are approved.

Analysis:

Attached to this waiver request are the following:

i. Attachment A – Historical Assessed Valuations, Fiscal Years 2001-2021

ii. Attachment B – Summary of General Obligation Bond Indebtedness versus Estimated Debt Limits

iii. Attachment C – Tax Rate Analysis for the Proposed Bonds (Election of 2008)

iv. Attachment D – Resolution Authorizing Request for Waiver

v. Attachment E – Notice of Public Hearing and Affidavit of Publication

Based on the Tax Rate Analysis figures, the District anticipates that the tax rate for Measure “N” (2008 Election) will not exceed the legal limit of $60.00 per year per $100,000 of taxable property should the California Department of Education grant this waiver request.

The District currently has no Certificates of Participation (COPs) outstanding.

In the event that the District elects to issue any Capital Appreciation Bonds (CABs), all CABs will be compliant with AB182.

Student Population: 4,258

City Type: Suburban

Public Hearing Date: 11/18/2020

Public Hearing Advertised: Posted Notice of Public Hearing in The Daily Recorder on November 3, 2020. The Daily Recorder is a daily newspaper published in the City of Sacramento within Sacramento County, California.

Local Board Approval Date: 11/18/2020

Community Council Reviewed By: CJUSD Facilities Committee

Community Council Reviewed Date: 12/16/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Scott Loehr

Position: Superintendent

E-mail: [sloehr@centerusd.org](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Csloehr%40centerusd.org)

Telephone: 916-338-6409

Fax: 916-338-6411

Bargaining Unit Date: 12/16/2020

Name: California School Employees Association

Representative: Marie Huggins

Title: President

Phone: [marieh@centerusd.org](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Cmarieh%40centerusd.org)

Position: Neutral

Comments:

Bargaining Unit Date: 12/16/2020

Name: Center Unified Teachers Association

Representative: Venessa Mason

Title: President

Phone: [vmason@centerusd.org](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Cvmason%40centerusd.org)

Position: Support

Comments:

# Attachment 3: **Earlimart Elementary School District General Waiver Request 8-12-2020**

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 5471902

Waiver Number: 8-12-2020

Active Year: 2020

Date In: 12/17/2020 2:58:33 PM

Local Education Agency: Earlimart Elementary

Address: 785 East Center Ave.

Earlimart, CA 93219

Start: 3/17/2021

End: 6/30/2026

Waiver Renewal: No

Waiver Topic: School Construction Bonds

*Ed Code* Title: Bond Indebtedness Limit - Non-Unified

*Ed Code* Section: 15268

*Ed Code* Authority: 33050

*Education Code* or *CCR* to Waive: 15268. The total amount of bonds issued, including bonds issued pursuant to Chapter 1 (commencing with Section 15100), shall not exceed [1.25 percent] of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located.

Outcome Rationale: The District requests that its outstanding bonded indebtedness limit be increased to an amount not to exceed 1.58% through and until June 30, 2026. The District wishes to issue the full remaining $1,900,000 of its 2016 General Obligation (GO) Bond authorization by the end of Calendar Year 2021. The District is unable to issue these bonds as their current outstanding bonded indebtedness of $8.8 million equates to a 1.30% ratio, which is above the state’s maximum allowed of 1.25%, but below the current waiver limit of 1.34%, which was granted prior to the issuance of its Election of 2016, Series B bonds in 2018. With the addition of the proposed $1.9 million, total indebtedness would exceed $10.7 million and represent 1.58% of assessed valuation. If approved, the waiver would allow the District to issue the full remaining 2016 Election GO bond authorization and proceed with facilities improvement projects.

In November of 2016, 84% of voters in the Districted approved Measure “M”, a GO bond school improvement measure which allowed the District to sell up to $6.7 million in bonds in order to:

• Modernize and renovate outdated classrooms, including student support facilities for school and community use

• Provide health and safety improvements, including a new cooling, heating systems, and other critical infrastructure

• Increase classroom technology infrastructure

• Make the District eligible to receive a potential $2 million in state matching grants

Analysis:

Attached to this waiver request are the following:

i. Attachment A – Historical Assessed Valuations, Fiscal Years 2001-2021

ii. Attachment B – Summary of GO Bond Indebtedness and Estimated Debt Limits

iii. Attachment C – Tax Rate Analysis for the Proposed Bonds (Election of 2016)

iv. Attachment D – Resolution Authorizing Request for Waiver

v. Attachment E – Notice of Public Hearing and Affidavit of Publication

Measure “M” was approved by voters in 2016 as Prop. 46 (two-thirds) Election and therefore does not carry have a legal tax rate limit. However, a tax rate analysis for Measure “M” has been provided.

The District currently has no Certificates of Participation (COPs) outstanding.

In the event that the District elects to issue any Capital Appreciation Bonds (CABs), all CABs will be compliant with AB182.

Student Population: 1,614

City Type: Small

Public Hearing Date: 11/17/2020

Public Hearing Advertised: Posted Notice of Public Hearing in the Visalia Times Delta on November 6, 2020. The Visalia Times Delta is a local newspaper published in the City of Visalia within Tulare County, California.

Local Board Approval Date: 11/17/2020

Community Council Reviewed By: Bond Advisory Committee

Community Council Reviewed Date: 12/10/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Jaime Robles

Position: Superintendent

E-mail: [jrobles@earlimart.org](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Cjrobles%40earlimart.org)

Telephone: 661-849-3386

Fax: 661-849-1022

Bargaining Unit Date: 12/10/2020

Name: California School Employees Association

Representative: Christy Raper

Title: Vice President

Phone: [craper@earlimart.org](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Ccraper%40earlimart.org)

Position: Support

Comments:

Bargaining Unit Date: 12/10/2020

Name: Earlimart Teachers Association

Representative: Lori Newsome

Title: President

Phone: [lnewsome@earlimart.org](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Clnewsome%40earlimart.org)

Position: Support

Comments:

# Attachment 4: **Greenfield Union School District General Waiver Request 15-12-2020**

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1563503

Waiver Number: 15-12-2020

Active Year: 2020

Date In: 12/18/2020 2:15:08 PM

Local Education Agency: Greenfield Union

Address: 1624 Fairview Rd.

Bakersfield, CA 93307

Start: 3/19/2021

End: 3/19/2027

Waiver Renewal: No

Waiver Topic: School Construction Bonds

*Ed Code* Title: Bond Indebtedness Limit - Non-Unified after 2000

*Ed Code* Section: [15268], [15102]

*Ed Code* Authority: 33050

*Education Code* or *CCR* to Waive:

Section 15102. The total amount of bonds issued pursuant to this chapter and Chapter 1.5 (commencing with Section 15264) shall not exceed [1.25] percent of the taxable property of the school district or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county or counties in which the district is located.

For purposes of this section, the taxable property of a district for any fiscal year shall be calculated to include, but not be limited to, the assessed value of all unitary and operating nonunitary property of the district, which shall be derived by dividing the gross assessed value of the unitary and operating nonunitary property within the district for the 1987-88 fiscal year by the gross assessed value of all unitary and operating nonunitary property within the county in which the district is located for the 1987-88 fiscal year, and multiplying that result by the gross assessed value of all unitary and operating nonunitary property of the county on the last equalized assessment roll.

Section 15268. The total amount of bonds issued, including bonds issued pursuant to Chapter 1 (commencing with Section 15100), shall not exceed [1.25] percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred by a school district pursuant to this chapter, at a single election, would not exceed thirty dollars ($30) per year per one hundred thousand dollars ($100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution.

Outcome Rationale: Greenfield Union School District (the “District”) has current authorization to issue general obligation bonds under separate authorizations, each approved by over 55% of the voters in the District, those being (i) the election on November 7, 2006 (the “2006 Election”), at which $40,000,000 aggregate principal amount of Bonds (the “2006 Bonds”) were authorized, and (ii) the election on November 3, 2020 (the “2020 Election” and, together with the 2006 Election, the “Elections”), at which $21,000,000 aggregate principal amount of Bonds (the “2020 Bonds” and, together with the 2006 Bonds, the “Bonds”) were authorized. Each of the Elections was conducted in accordance with the School Facilities Local Vote Act of 2000 (“Proposition 39”).

Under Proposition 39, there are two primary limitations on the amount of general obligation bonds which may be issued by a school district and outstanding at any time. The first, referred to as a school district’s “tax rate limit,” limits the total amount of bonds issued under any single Election to an amount where payment of principal and interest on the bonds requires taxes of no more than $30.00 per year per $100,000 of assessed valuation of property within a school district (with different limits established for unified school districts and community college districts). The second, commonly referred to as a school district’s “bonding capacity,” limits the total principal amount of bonds that the District may have outstanding under all authorizations to 1.25% of the total assessed value of all taxable real property within the boundaries of the school district (with a different limit established for unified school districts).

California *Education Code* Section 33050 authorizes the State Board of Education (the “SBE”) to waive certain provisions of the Education Code if a school district takes certain steps, those being (i) discussing the waiver with certain advisory committees and employee representatives (the “Advisory Committees”), (ii) holding a public hearing, and (iii) submitting an application to the SBE (the “Waiver Application”). At its meeting on December 16, 2020, the Board of Trustees of the District (the “Board”) will hold a public hearing and consider a resolution authorizing submission of a Waiver Application with respect to the District’s bonding capacity. The Waiver Application will request the District be allowed to issue Bonds up to an increased limitation of 1.84% of the total assessed value of taxable real property in the District, and will state whether each Advisory Committee. Notably, the Waiver Application will not request any change to the tax rate levied on properties in the District; the current limit of $30.00 per $100,000 of assessed value will remain unchanged for Bonds issued by the District.

Student Population: 9,600

City Type: Urban

Public Hearing Date: 12/16/2020

Public Hearing Advertised: Local newspaper

Local Board Approval Date: 12/16/2020

Community Council Reviewed By: Bond Oversight Committee

Community Council Reviewed Date: 12/7/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Ramon Hendrix

Position: Superintendent

E-mail: [hendrixr@gfusd.net](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Chendrixr%40gfusd.net)

Telephone: 661-837-6000

Fax:

Bargaining Unit Date: 12/02/2020

Name: California School Employees Association

Representative: Marvella Richard

Title: Union President

Phone: 661-530-6479

Position: Support

Comments:

Bargaining Unit Date: 12/15/2020

Name: Greenfield Teachers Association

Representative:

Title: President

Phone: 661-837-6190

Position: Support

Comments:

# Attachment 5: **John Swett Unified School District General Waiver Request 17-12-2020**

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 0761697

Waiver Number: 17-12-2020

Active Year: 2020

Date In: 12/18/2020 5:18:11 PM

Local Education Agency: John Swett Unified

Address: 400 Parker Ave.

Rodeo, CA 94572

Start: 3/19/2021

End: 9/1/2021

Waiver Renewal: No

Waiver Topic: School Construction Bonds

*Ed Code* Title: Bond Indebtedness Limit - Unified after 2000

*Ed Code* Section: 15270

*Ed Code* Authority: 33050

*Education Code* or *CCR* to Waive: (a) Notwithstanding Sections 15102 and 15268, any unified school district may issue bonds pursuant to this article that, in aggregation with bonds issued pursuant to Chapter 1 (commencing with Section 15100), may not exceed [2.5 percent] of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred pursuant to this chapter at a single election, by a unified school district, would not exceed sixty dollars ($60) per year per one hundred thousand dollars ($100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution.

Outcome Rationale: On November 8, 2016, John Swett Unified School District voters approved Measure P for the reconstruction of the District’s sole middle school. The amount of bonds authorized under Measure P is $40.2 million. As of the date of this application, $31 million of bonds have been issued. To complete the project, the District is planning to issue the remaining $9.2 million of unissued Measure P bonds in the spring of 2021. With modest assessed value growth, it is anticipated that the bond indebtedness waiver will only be required through the 2021 fiscal year. Delaying the bond sale until the 2022 fiscal year would result in delays to the project and increased costs.

Student Population: 1,439

City Type: Suburban

Public Hearing Date: 12/9/2020

Public Hearing Advertised: Published Notice in West County Times (see attachment)

Local Board Approval Date: 12/9/2020

Community Council Reviewed By: Citizens' Bond Oversight Committee

Community Council Reviewed Date: 12/3/2020

Community Council Objection: Yes

Community Council Objection Explanation: Only one member of the committee, Norma Clerici, objected to the waiver request (see attachment).

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Joe Crump

Position: Financial Analyst

E-mail: [jcrump@dalescott.com](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Cjcrump%40dalescott.com)

Telephone: 415-956-1030

Fax:

Bargaining Unit Date: 11/18/2020

Name: CSEA Chapter No. 72

Representative: Annie Miller

Title: President

Phone: 510-787-1081

Position: Neutral

Comments:

Bargaining Unit Date: 11/20/2020

Name: John Swett Education Association

Representative: Magret Nunes

Title: President

Phone: 925-837-6362

Position: Support

Comments:

# Attachment 6: **Mountain View Elementary School District General Waiver Request 9-12-2020**

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 1964816

Waiver Number: 9-12-2020

Active Year: 2020

Date In: 12/17/2020 3:43:33 PM

Local Education Agency: Mountain View Elementary

Address: 3320 Gilman Rd.

El Monte, CA 91732

Start: 3/1/2021

End: 12/31/2037

Waiver Renewal: No

Waiver Topic: School Construction Bonds

*Ed Code* Title: Bond Indebtedness Limit - Non-Unified

*Ed Code* Section: 15102

*Ed Code* Authority: 33050

*Education Code* or *CCR* to Waive: 15102. The total amount of bonds issued pursuant to this chapter and Chapter 1.5 (commencing with Section 15264) shall not exceed [1.25] percent of the taxable property of the school district or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county or counties in which the district is located. For purposes of this section, the taxable property of a district for any fiscal year shall be calculated to include, but not be limited to, the assessed value of all unitary and operating nonunitary property of the district, which shall be derived by dividing the gross assessed value of the unitary and operating nonunitary property within the district for the 1987–88 fiscal year by the gross assessed value of all unitary and operating nonunitary property within the county in which the district is located for the 1987–88 fiscal year, and multiplying that result by the gross assessed value of all unitary and operating nonunitary property of the county on the last equalized assessment roll.

\*Please note that both the 2016 Measure SS and 2020 Measure O authorizations were Proposition 46 bond measures, not Proposition 39 bond measures.

Outcome Rationale: Mountain View School District (the “District” or “MVSD”) is an elementary school district located in the heart of the San Gabriel Valley. The District serves over 6,000 students from a portion of the cities El Monte and South El Monte. Its mission is to ensure that each student attains academic success and to inspire each student to succeed every day. MVSD prepares today's students and tomorrow's leaders for success by providing core academics with 21st century skills. The District’s Unduplicated Pupil Percentage (UPP) was approximately 95% in fiscal year 2018-19.

While the District is proud of the many academic and programmatic accomplishments, its school facilities are outdated and in need of upgrades and renovations. The District board unanimously voted to place Measure SS, a $57 million local school bond measure on the November 8, 2016 ballot. Measure SS received 86.5% support – the highest support level for a school bond measure in the State that year.

With the Measure SS bond proceeds, the District has been able to make significant capital improvements including major underground utilities and roofing projects at several of the elementary school sites. However, it became evident that another bond measure would be needed to continue with the facilities upgrades at all the District schools. The District Board unanimously voted to place, a $56 million local school repair bond measure, on the March 3, 2020 ballot. District voters passed Measure M with 69.5% support.

In order to issue the remaining authorization from the 2016 Measure SS bond program and all of the authorized bonds from the 2020 Measure M bond program, the District is requesting a bonding capacity waiver to issue bonds up to 2.93% of the total taxable property of the District. Current projections show that the District will be back within the current statutory bonding capacity requirement of 1.25% by December 2037.

Student Population: 6,079

City Type: Urban

Public Hearing Date: 11/5/2020

Public Hearing Advertised: Public hearing occurred at Board meeting; include information on notices provided

Local Board Approval Date: 11/5/2020

Community Council Reviewed By: District Facilities Advisory Committee

Community Council Reviewed Date: 12/16/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Mr. Darin De Knikker

Position: Assistant Superintendent of Business Services

E-mail: [ddeknikker@mtviewschools.net](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Cddeknikker%40mtviewschools.net)

Telephone: 626-652-4054

Bargaining Unit Date: 10/09/2020

Name: CSEA Charles T. Kranz Chapter 430

Representative: Isaac Trujillo

Title: President

Phone: 626-652-4655

Position: Support

Comments:

Bargaining Unit Date: 10/09/2020

Name: Mountain View Teachers Association

Representative: Laura Gaber

Title: President

Phone: 626-652-4600

Position: Support

Comments:

# Attachment 7: **Winters Joint Unified School District General Waiver Request 16-12-2020**

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 5772702

Waiver Number: 16-12-2020

Active Year: 2020

Date In: 12/18/2020 4:44:45 PM

Local Education Agency: Winters Joint Unified

Address: 909 West Grant Ave.

Winters, CA 95694

Start: 3/1/2021

End: 8/1/2043

Waiver Renewal: No

Waiver Topic: School Construction Bonds

*Ed Code* Title: Bond Indebtedness Limit - Unified S.D.

*Ed Code* Section: 15106

*Ed Code* Authority: 33050

*Education Code* or *CCR* to Waive: *EC* 15106: A unified school district or community college district may issue bonds that, in aggregation with bonds issued pursuant to Section 15270, shall not exceed [2.5] percent of the taxable property of the school district or community college district, or the school facilities improvement district, if applicable, as shown by the last equalized assessment of the county or counties in which the district is located.

Outcome Rationale: On March 14, 2019, Winters Joint Unified School District received approval to waive a portion of the California *Education Code* sections 15106 and 15270(a) to allow the District to exceed its bonded indebtedness limit to a maximum of 4.49%. Conditions were that the waiver is limited to the sale of bonds applicable to the 2016 (Measure D) and 2018 (Measure P) Authorizations.

On November 3, 2020, the District received approval to issue $19 million with its Election of 2020 Authorization (Measure W). To be able to access the 2020 Authorization, the District is requesting to waive a portion of the same California *Education Code*s to a bonded indebtedness limit of 4.92%. This limit includes the 2020 Authorization as well as $5.6 million in authorized but unissued bonds from the Election of 2018 Authorization (Measure P). The District expects the first issuance from the 2020 Authorization to be repaid over 30 years using only current interest bonds. The District does not expect to issue bonds that would cause the tax rate to increase above the legal requirement of $60 per $100,000 of assessed valuation per authorization. The increase in bonding capacity to 4.92% and the issuances described would allow the District to move ahead with its voter-supported facility improvements without delay.

Student Population: 1,527

City Type: Small

Public Hearing Date: 12/17/2020

Public Hearing Advertised: The District posted a notice of public hearing at each school site, three places within the District and, on December 2, in the local newspaper, The Davis Enterprise.

Local Board Approval Date: 12/17/2020

Community Council Reviewed By: Claudia Covarrubias - President of District English Learner Advisory Committee (DELAC)

Community Council Reviewed Date: 12/17/2020

Community Council Objection: No

Community Council Objection Explanation:

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Ms. Diana Jimenez

Position: Superintendent

E-mail: [djimenez@wintersjusd.org](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Cdjimenez%40wintersjusd.org)

Telephone: 530-795-6100 x8010

Fax:

Bargaining Unit Date: 11/30/2020

Name: California School Employees Association

Representative: Tracy Murrin

Title: President

Phone: [tmurrin@wintersjusd.org](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Ctmurrin%40wintersjusd.org)

Position: Support

Comments:

Bargaining Unit Date: 12/07/2020

Name: Winters Area Employees Association (WAEA)

Representative: JoAnn May

Title: President

Phone: [jmay@wintersjusd.org](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Cjmay%40wintersjusd.org)

Position: Support

Comments:

Bargaining Unit Date: 12/07/2020

Name: Winters Area Pupil Personnel Services Unit (WAPPSU)

Representative: Lizette Ortiz

Title: President

Phone: [cortiz@wintersjusd.org](file:///%5C%5CCDE.Cal%5CDATA%5CSFTSDATA%5CSHARED%5CSBE-Waivers-Items%5CWaivers%5C2021%5C03%20March%202021%5CBond%20Waivers%5Ccortiz%40wintersjusd.org)

Position: Support

Comments: