ORANGE UNIFIED SCHOOL DISTRICT
Board of Education – Special Meeting
1401 N. Handy Street, Building H
Orange, CA 92867

Teleconference with John Ortega
Omni Shoreham Hotel - Lobby
2500 Calvert Street, NW
Washington, D.C. 20008

Thursday, June 23, 2016
5:30 p.m. – Closed Session
6:00 p.m. – Open Session

AGENDA

1. CALL MEETING TO ORDER
2. ESTABLISH QUORUM
3. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS
4. ADJOURN TO CLOSED SESSION
   A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
      Government Code 54957
      Title: Superintendent of Schools
5. CALL TO ORDER – REGULAR SESSION
6. PLEDGE OF ALLEGIANCE
7. REPORT OF CLOSED SESSION DECISIONS
8. ADOPTION OF AGENDA
9. PUBLIC COMMENT
   As required by the Brown Act, Government Code Section 54956, at special meetings members of the audience may address the Board of Education only on items agendized. Speaking time is limited to three (3) minutes per speaker with a maximum of twenty (20) minutes per topic. Persons wishing to address the Board should complete a blue public comment card, available on the information table, before the meeting begins.
10. APPROVAL OF MINUTES
   o May 12, 2016 (Regular Meeting)
   o May 26, 2016 (Regular Meeting)
11. ACTION ITEMS
   A. Adoption of Resolution of the Board of Education of the Orange Unified School District of Intention to Form a School Facilities Improvement District No. 1
   B. Adoption of Resolution of the Board of Education of the Orange Unified School District of Intention to Form a School Facilities Improvement District No. 2
   C. Recommendation to Retain Polling Consultant
12. ADJOURNMENT
Item No. 11.A.

TOPIC: RESOLUTION 20-15-16 OF THE BOARD OF EDUCATION OF THE ORANGE UNIFIED SCHOOL DISTRICT OF INTENTION TO FORM SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 1

DESCRIPTION: At the June 9, 2016 meeting, the Board of Education received information from Don Field, Partner from Orrick Herrington & Sutcliffe, regarding the legal issues relating to the formation of School Facilities Improvement Districts (SFID).

At that same meeting, the Board took action directing staff to bring back Resolutions of Intention to form two SFIDs. The Resolution for SFID No. 1 will encompass the combined attendance boundaries of El Modena and Orange High Schools. The Resolution for SFID No. 2 will encompass the combined attendance boundaries of Canyon and Villa Park High Schools.

Upon adoption of the attached Resolution, staff will cause notices advertising a public hearing be placed according to statute. On July 21, 2016, the Board will conduct a public hearing regarding the formation of SFID No. 1 and will subsequently consider a Resolution of Formation. Any interested persons may appear and be heard at the hearing.

FISCAL IMPACT: Unknown

RECOMMENDATION: It is recommended that the Board of Education consider Resolution No.20-15-16 declaring its intention to form School Facilities Improvement District No. 1.
RESOLUTION NO. 20-15-16

A RESOLUTION OF THE BOARD OF EDUCATION OF
THE ORANGE UNIFIED SCHOOL DISTRICT OF
INTENTION TO FORM SCHOOL FACILITIES
IMPROVEMENT DISTRICT NO. 1

WHEREAS, Chapter 2 (the “SFID Chapter”) of Part 10 of Division 1 of Title 1 of the California Education Code (the “Education Code”) provides a method for the formation of school facilities improvement districts consisting of a portion of the territory within a school district, for the conduct of a bond election within a school facilities improvement district and for the issuance of general obligation bonds by a school district for a school facilities improvement district; and

WHEREAS, the Board of Education (the “Board”) of the Orange Unified School District (the “School District”), located within the County of Orange (“Orange County”), desires to form a school facilities improvement district in a portion of the territory within the School District for the purpose of financing the school facilities improvement project consisting of the construction, reconstruction, improvement, rehabilitation, or replacement of school facilities, including the furnishing and equipping of such school facilities, and the acquisition or lease of real property for such school facilities, for the benefit of the area of land proposed to be included within such school facilities improvement district (the “School Facilities Improvement Project”); and

WHEREAS, the Board anticipates that it will be necessary and desirable to place a ballot measure for approval of bonds before the voters of the School District residing in said school facilities improvement district to finance the School Facilities Improvement Project; and

WHEREAS, subdivision (a) of Section 15301 of the Education Code provides that a school district that has a community facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Mello-Roos Act”) that has as one of its purposes the construction of school facilities within a portion of the territory of the school district may proceed under the SFID Chapter; and

WHEREAS, subdivision (b) of Section 15301 of the Education Code provides that the boundaries of a school facilities improvement district formed pursuant to the SFID Chapter shall include all of the portion of the territory within the boundaries of the school district that is not located within the boundaries of the community facilities district described in subsection (a) thereof; and

WHEREAS, subdivision (c) of Section 15301 of the Education Code provides that a school district may proceed under the SFID Chapter without meeting the requirements of subdivisions (a) and (b) thereof if the governing board of the school district determines that it is necessary and in the best interest of the school district to form a school facilities improvement district pursuant to the SFID Chapter to finance school facilities and purposes authorized pursuant to 15100 of the Education Code; and
WHEREAS, subdivision (c) of Section 15301 of the Education Code further provides that, as a part of that determination, the governing board of the school district shall make a finding that the overall cost of financing the bonds issued pursuant to Part 10 of Division 1 of Title 1 of the Education Code would be less than the overall cost of other school facilities financing options available to the school district, including, but not limited to, issuing bonds pursuant to the Mello-Roos Act; and

WHEREAS, the School District's financial advisor has advised the Board that the overall cost of financing the School Facilities Improvement Project with bonds issued pursuant to Part 10 of Division 1 of Title 1 of the Education Code would be less than the overall cost of other school facilities financing options available to the School District, including, but not limited to, issuing bonds pursuant to the Mello-Roos Act; and

WHEREAS, Section 15303 of the Education Code provides that the SFID Chapter shall not be operative in a county or counties until the board of supervisors of the county in which the county superintendent of schools having jurisdiction over the school district in which a proposed school facilities improvement district is located, and the board of supervisors of any county in which the school facilities improvement district is located, by resolution adopted by a majority vote of each affected board of supervisors, makes the SFID Chapter applicable in the county or counties; and

WHEREAS, the Superintendent of Schools of Orange County has jurisdiction over the School District and the proposed school facilities improvement district is located entirely within Orange County; and

WHEREAS, the Board of Supervisors of Orange County by its Resolution No. 99-248, adopted on June 22, 1999, approved the use of the SFID Chapter by school districts within Orange County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Orange Unified School District as follows:

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

Section 2. The Board hereby determines that it necessary and in the best interest of the School District to form a school facilities improvement district pursuant to the SFID Chapter to finance school facilities and purposes authorized pursuant to Section 15100 of the Education Code.

Section 3. The Board hereby finds that the overall cost of financing the School Facilities Improvement Project with bonds issued pursuant to Part 10 of Division 1 of Title 1 of the Education Code would be less than the overall cost of other school facilities financing options available to the School District, including, but not limited to, issuing bonds pursuant to the Mello-Roos Act.
Section 4. The Board hereby determines that the conditions of subdivision (c) of Section 15301 of the Education Code have been satisfied and that, therefore, the School District may proceed under the SFID Chapter without meeting the requirements of subdivisions (a) and (b) thereof.

Section 5. The Board proposes to establish a school facilities improvement district (the “School Facilities Improvement District”) pursuant to the provisions of the SFID Chapter.

Section 6. The name proposed for the School Facilities Improvement District is “School Facilities Improvement District No. 1 of the Orange Unified School District.”

Section 7. The general purpose for which the School Facilities District is to be formed is the financing of the School Facilities Improvement Project, as the Board may hereafter further define in a resolution calling a bond election in accordance with the SFID Chapter.

Section 8. The estimated cost of the School Facilities Improvement Project is $200,000,000, including costs incidental to the formation of the School Facilities Improvement District, the conduct of a bond election and the issuance of bonds therefor.

Section 9. A map (the “Boundary Map”) showing the exterior boundaries of the proposed School Facilities Improvement District, and specifically identifying property located within the School District that is not located within the proposed School Facilities Improvement District, is on file with the Board, and the Boundary Map is and shall be available for inspection by the public at the offices of the School District during regular business hours.

Section 10. The Board hereby fixes Thursday, July 21, 2016, at 7:00 p.m., or as soon thereafter as the Board may reach the matter, at 1401 N. Handy St. Orange, California, as the time and place when and where the Board will conduct a public hearing on the formation of the School Facilities Improvement District. Any interested persons, including any persons owning lands within the School District, or in the proposed School Facilities Improvement District, may appear and be heard at said hearing.

Section 11. The Clerk of the Board is hereby directed to publish, or cause to be published, a copy of this Resolution in a newspaper of general circulation published in the County, pursuant to Section 6066 of the California Government Code, the first such publication being at least 14 days prior to the time fixed for said hearing.

Section 12. The officers, employees and agents of the School District are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

Section 13. This Resolution shall take effect immediately upon its adoption.
APPROVED and ADOPTED by the Board of Education of the Orange Unified School District on June 23, 2016.

Rick Ledesma,  
President of the Board of Education of the Orange Unified School District  

ATTEST:  

Kathryn A. Mofat,  
Clerk of the Board of Education of the Orange Unified School District
CLERK’S CERTIFICATE

I, Kathryn A. Moffat, Clerk of the Board of Education of the Orange Unified School District, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of said Board of Education duly and regularly held on June 23, 2016, of which meeting all of the members of said Board of Education had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES: 7
NOES: 0
ABSENT OR NOT VOTING: 0

An agenda of said meeting was posted at least 72 hours before said meeting at 1401 N. Handy St. Orange, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: June 23, 2016

Kathryn A. Moffat,
Clerk of the Board of Education of the Orange Unified School District
School Facilities Improvement District No. 1
of the Orange Unified School District

High Schools

OUSD Boundary

SFID No. 1

Map Prepared by Davis Demographics
06/16/2016
TOPIC: RESOLUTION 21-15-16 OF THE BOARD OF EDUCATION OF THE ORANGE UNIFIED SCHOOL DISTRICT OF INTENTION TO FORM SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 2

DESCRIPTION: At the June 9, 2016 meeting, the Board of Education received information from Don Field, Partner from Orrick Herrington & Sutcliffe, regarding the legal issues relating to the formation of School Facilities Improvement Districts (SFID).

At that same meeting, the Board took action directing staff to bring back Resolutions of Intention to form two SFIDs. The Resolution for SFID No. 1 will encompass the combined attendance boundaries of El Modena and Orange High Schools. The Resolution for SFID No. 2 will encompass the combined attendance boundaries of Canyon and Villa Park High Schools.

Upon adoption of the attached Resolution, staff will cause notices advertising a public hearing be placed according to statute. On July 21, 2016, the Board will conduct a public hearing regarding the formation of SFID No. 2 and will subsequently consider a Resolution of Formation. Any interested persons may appear and be heard at the hearing.

FISCAL IMPACT: Unknown

RECOMMENDATION: It is recommended that the Board of Education consider Resolution No. 21-15-16 declaring its intention to form School Facilities Improvement District No. 2.
RESOLUTION NO. 21-15-16

A RESOLUTION OF THE BOARD OF EDUCATION OF
THE ORANGE UNIFIED SCHOOL DISTRICT OF
INTENTION TO FORM SCHOOL FACILITIES
IMPROVEMENT DISTRICT NO. 2

WHEREAS, Chapter 2 (the “SFID Chapter”) of Part 10 of Division 1 of Title 1 of the California Education Code (the “Education Code”) provides a method for the formation of school facilities improvement districts consisting of a portion of the territory within a school district, for the conduct of a bond election within a school facilities improvement district and for the issuance of general obligation bonds by a school district for a school facilities improvement district; and

WHEREAS, the Board of Education (the “Board”) of the Orange Unified School District (the “School District”), located within the County of Orange (“Orange County”), desires to form a school facilities improvement district in a portion of the territory within the School District for the purpose of financing the school facilities improvement project consisting of the construction, reconstruction, improvement, rehabilitation, or replacement of school facilities, including the furnishing and equipping of such school facilities, and the acquisition or lease of real property for such school facilities, for the benefit of the area of land proposed to be included within such school facilities improvement district (the “School Facilities Improvement Project”); and

WHEREAS, the Board anticipates that it will be necessary and desirable to place a ballot measure for approval of bonds before the voters of the School District residing in said school facilities improvement district to finance the School Facilities Improvement Project; and

WHEREAS, subdivision (a) of Section 15301 of the Education Code provides that a school district that has a community facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Mello-Roos Act”) that has as one of its purposes the construction of school facilities within a portion of the territory of the school district may proceed under the SFID Chapter; and

WHEREAS, subdivision (b) of Section 15301 of the Education Code provides that the boundaries of a school facilities improvement district formed pursuant to the SFID Chapter shall include all of the portion of the territory within the boundaries of the school district that is not located within the boundaries of the community facilities district described in subsection (a) thereof; and

WHEREAS, subdivision (c) of Section 15301 of the Education Code provides that a school district may proceed under the SFID Chapter without meeting the requirements of subdivisions (a) and (b) thereof if the governing board of the school district determines that it is necessary and in the best interest of the school district to form a school facilities improvement district pursuant to the SFID Chapter to finance school facilities and purposes authorized pursuant to 15100 of the Education Code; and
WHEREAS, subdivision (c) of Section 15301 of the Education Code further provides that, as a part of that determination, the governing board of the school district shall make a finding that the overall cost of financing the bonds issued pursuant to Part 10 of Division 1 of Title 1 of the Education Code would be less than the overall cost of other school facilities financing options available to the school district, including, but not limited to, issuing bonds pursuant to the Mello-Roos Act; and

WHEREAS, the School District’s financial advisor has advised the Board that the overall cost of financing the School Facilities Improvement Project with bonds issued pursuant to Part 10 of Division 1 of Title 1 of the Education Code would be less than the overall cost of other school facilities financing options available to the School District, including, but not limited to, issuing bonds pursuant to the Mello-Roos Act; and

WHEREAS, Section 15303 of the Education Code provides that the SFID Chapter shall not be operative in a county or counties until the board of supervisors of the county in which the county superintendent of schools having jurisdiction over the school district in which a proposed school facilities improvement district is located, and the board of supervisors of any county in which the school facilities improvement district is located, by resolution adopted by a majority vote of each affected board of supervisors, makes the SFID Chapter applicable in the county or counties; and

WHEREAS, the Superintendent of Schools of Orange County has jurisdiction over the School District and the proposed school facilities improvement district is located entirely within Orange County; and

WHEREAS, the Board of Supervisors of Orange County by its Resolution No. 99-248, adopted on June 22, 1999, approved the use of the SFID Chapter by school districts within Orange County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Orange Unified School District as follows:

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

Section 2. The Board hereby determines that it necessary and in the best interest of the School District to form a school facilities improvement district pursuant to the SFID Chapter to finance school facilities and purposes authorized pursuant to Section 15100 of the Education Code.

Section 3. The Board hereby finds that the overall cost of financing the School Facilities Improvement Project with bonds issued pursuant to Part 10 of Division 1 of Title 1 of the Education Code would be less than the overall cost of other school facilities financing options available to the School District, including, but not limited to, issuing bonds pursuant to the Mello-Roos Act.
Section 4. The Board hereby determines that the conditions of subdivision (c) of Section 15301 of the Education Code have been satisfied and that, therefore, the School District may proceed under the SFID Chapter without meeting the requirements of subdivisions (a) and (b) thereof.

Section 5. The Board proposes to establish a school facilities improvement district (the "School Facilities Improvement District") pursuant to the provisions of the SFID Chapter.

Section 6. The name proposed for the School Facilities Improvement District is "School Facilities Improvement District No. 2 of the Orange Unified School District."

Section 7. The general purpose for which the School Facilities District is to be formed is the financing of the School Facilities Improvement Project, as the Board may hereafter further define in a resolution calling a bond election in accordance with the SFID Chapter.

Section 8. The estimated cost of the School Facilities Improvement Project is $200,000,000, including costs incidental to the formation of the School Facilities Improvement District, the conduct of a bond election and the issuance of bonds therefor.

Section 9. A map (the "Boundary Map") showing the exterior boundaries of the proposed School Facilities Improvement District, and specifically identifying property located within the School District that is not located within the proposed School Facilities Improvement District, is on file with the Board, and the Boundary Map is and shall be available for inspection by the public at the offices of the School District during regular business hours.

Section 10. The Board hereby fixes Thursday, July 21, 2016, at 7:00 p.m., or as soon thereafter as the Board may reach the matter, at 1401 N. Handy St. Orange, California, as the time and place when and where the Board will conduct a public hearing on the formation of the School Facilities Improvement District. Any interested persons, including any persons owning lands within the School District, or in the proposed School Facilities Improvement District, may appear and be heard at said hearing.

Section 11. The Clerk of the Board is hereby directed to publish, or cause to be published, a copy of this Resolution in a newspaper of general circulation published in the County, pursuant to Section 6066 of the California Government Code, the first such publication being at least 14 days prior to the time fixed for said hearing.

Section 12. The officers, employees and agents of the School District are hereby authorized and directed to take all actions and do all things which they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

Section 13. This Resolution shall take effect immediately upon its adoption.
APPROVED and ADOPTED by the Board of Education of the Orange Unified School District on June 23, 2016.

Rick Ledesma,
President of the Board of Education of the Orange Unified School District

ATTEST:

Kathryn A. Mota,
Clerk of the Board of Education of the Orange Unified School District
CLERK'S CERTIFICATE

I, Kathryn A. Moffat, Clerk of the Board of Education of the Orange Unified School District, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of said Board of Education duly and regularly held on June 23, 2016, of which meeting all of the members of said Board of Education had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES: 7
NOES: 0
ABSENT OR NOT VOTING: 0

An agenda of said meeting was posted at least 72 hours before said meeting at 1401 N. Handy St. Orange, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: June 23, 2016

Kathryn A. Moffat,
Clerk of the Board of Education of the Orange Unified School District
RECOMMENDATION TO RETAIN POLLING CONSULTANT

DESCRIPTION: At the June 9th Board meeting, the Board of Education authorized polling consultant, True North Research, Inc. to conduct an additional survey of likely November 2016 voters to enable the Board to better determine a course of action with respect to tax sensitivity and the likelihood of a positive election outcome.

At that same meeting, the Board directed staff to contract with True North Research to conduct three surveys:

1. District-wide
2. SFID No.1 (Orange and El Modena High Schools)
3. SFID No.2 (Canyon and Villa Park High Schools)

Based on that direction, the total contract for the surveys is $34,405. The Board previously approved authorizing up to $30,000 for polling services. This item will authorize the balance of $4,405.

FISCAL IMPACT: General Fund ................... not to exceed .................. $4,405

RECOMMENDATION: It is recommended that the Board of Education authorize staff to increase the contract authorization for True North Research, Inc. to conduct additional voter polling.

This is to certify that this item was approved by the Board of Education.

Signature: Michael L. Christensen
Superintendent and Secretary
Orange Unified School District

OUSD/Christensen/Sorrera
Board Agenda
June 23, 2016

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