

**EVERGREEN SCHOOL DISTRICT
MEASURE P**

To increase student internet and computer access; upgrade school emergency preparedness; install campus security, emergency notification and communication alarms and systems; and retrofit and renovate classrooms and facilities throughout the District; shall Evergreen Elementary School District's measure to issue \$80 million of bonds be adopted with projected annual tax rates averaging less than \$0.03 per \$100 of assessed valuation for 12 years (\$7.5 million per year for bond repayment), legal interest rates, annual audits and independent oversight?

**BONDS—YES
BONDS—NO**

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF
MEASURE P**

California law permits school districts to issue bonds with the approval of 55 percent of the voters. Such bonds may only be used for construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities. These bonds are required to be paid by the levy of *ad valorem* taxes—a tax on the assessed value—of property within a district.

The Board of Trustees (Board) of the Evergreen Elementary School District (District) proposes to issue such bonds in the amount of up to \$80,000,000 for the purposes of increasing student internet and computer access; upgrading school emergency preparedness; installing campus security systems; and retrofitting and renovating classrooms and facilities.

As identified in the Measure, projects may include but are not limited to:

- Upgrade and/or acquire and install exterior lighting, fire detection and suppression, security alarm, video surveillance, access controls, communication systems, networks, fixtures, infrastructure, equipment and controls.
- Improve, correct, restore or renovate grounds, buildings and structures or portions thereof to address health, safety, and accessibility risks and compliance.
- Modernize, renovate, replace, re-configure, expand, construct, acquire and install, and/or upgrade classrooms, classroom buildings, labs, restrooms, common areas and grounds, and school support facilities.
- Reconfigure, renovate, resurface, improve and/or expand roads, sidewalks, pathways, walkways, driveways, paved areas, parking lots and related areas, and pick-up/drop-off areas.
- Renovate, replace, repair, upgrade, expand, construct, acquire, install and/or improve play areas, hard courts, play fields, turf, fencing, landscape, hardscape and outdoor learning areas, including shade/rain structures and sitting areas.
- Upgrade, acquire and install technology equipment, fixtures and infrastructure.

Projects costs include the costs of furnishing and equipping such facilities, and all costs that are incidental, but directly related, to the types of projects described in the Measure.

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF
MEASURE P-Continued**

The Board has certified that it has evaluated safety, class size reduction, and information technology needs in developing its project list.

By law, these bond funds cannot be used for teacher and administrator salaries or other school operating expenses. The District also must conduct independent annual performance and financial audits. State law requires the District to have an independent citizens' oversight committee to help make sure bond funds are spent only for projects included in the Measure.

The District's stated best estimate of the highest tax rate to be levied to repay the proposed bonds is \$30 per \$100,000 of assessed value. The District estimates that the total debt service during the life of the bond, including principal and interest, will be approximately \$90 million.

Measure P was placed on the ballot by the Board.

A "yes" vote is a vote to authorize the issuance of the bonds in the amount of up to \$80,000,000 to be secured by the levy of *ad valorem* taxes on property located within the District.

A "no" vote is a vote to not authorize the issuance of the bonds.

James R. Williams
County Counsel

By: Mary E. Hanna-Weir
Deputy County Counsel

COMPLETE TEXT OF MEASURE P

EVERGREEN ELEMENTARY SCHOOL DISTRICT TECHNOLOGY AND STUDENT/CLASSROOM SAFETY MEASURE

This proposition may be known and referred to as the "Evergreen Elementary School District Technology and Student/Classroom Safety Measure" or as "Measure P".

BOND AUTHORIZATION

By approval of this proposition by at least 55% of the voters of the Evergreen Elementary School District (the "District") voting on the proposition, the District shall be authorized to issue and sell bonds of up to \$80,000,000 in aggregate principal amount to provide financing for the specific school facilities projects listed under the heading entitled "BOND PROJECT LIST" below (the "Bond Project List"), subject to all of the accountability safeguards specified below.

FINANCING PLAN

The District plans to use proceeds of the bonds to enhance and improve student safety and security as well as to address the evolving educational technology needs of its students and staff. The District intends to match as closely as possible the term of each series of bonds to the useful life of the technology equipment being financed in compliance with Section 147(b) of the Internal Revenue Code (or any successor thereto). Accordingly, it is the District's current plan that the amortization of each series of bonds will be three to five years.

ACCOUNTABILITY SAFEGUARDS

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers of the District may be assured that their money will be spent to address specific school facilities needs of the District, all in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Sections 15264 and following of the California Education Code (the "Education Code")).

Evaluation of Needs. The Board of Trustees of the District (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. 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 in the Bond Project List. The Board hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

Limitations on Use of Bonds. Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses. More specifically, the Bond Project List provides for the specific projects the District proposes to finance with proceeds from the sale of bonds authorized by this proposition and such proceeds shall be applied only to those specific purposes.

COMPLETE TEXT OF MEASURE P-Continued

Independent Citizens' Oversight Committee. In accordance with and pursuant to Education Code Section 15278 *et seq.*, the Board shall establish an independent citizens' oversight committee, within 60 days of the date that the Board enters the election results on its minutes pursuant to Section 15274 of the Education Code, 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. In accordance with Section 15282 of the Education Code, the citizens' oversight committee shall consist of at least seven members and shall include a member active in a business organization representing the business community located within the District, a member active in a senior citizens' organization, a member active in a bona fide taxpayers' organization, a member that is a parent or guardian of a child enrolled in the District, and a member that is both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization. No employee or official of the District and no vendor, contractor or consultant of the District shall be appointed to the citizens' oversight committee.

Annual Performance Audits. In compliance with the requirements of Article XIII A, Section 1(b)(3)(C) of the California Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000, the Board shall conduct an annual, independent performance audit to ensure that the proceeds from the sale of bonds authorized by this proposition have been expended only on the school facilities projects listed in the Bond Project List. These audits shall be conducted in accordance with the Government Auditing Standards issued by the Comptroller General of the United States for performance audits. The results of these audits shall be made publicly available and shall be submitted to the citizens' oversight committee in accordance with Section 15286 of the Education Code.

Annual Financial Audits. In compliance with the requirements of Article XIII A, Section 1(b)(3)(D) of the California Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000, the Board shall conduct an annual, independent financial audit of the proceeds from the sale of bonds authorized by this proposition until all of those proceeds have been spent for the school facilities projects listed in the Bond Project List. These audits shall be conducted in accordance with the Government Auditing Standards issued by the Comptroller General of the United States for financial audits. The results of these audits shall be made publicly available and shall be submitted to the citizens' oversight committee in accordance with Section 15286 of the Education Code.

Special Bond Proceeds Account; Annual Report to Board. In compliance with the requirements of California Government Code Section 53410 and following, upon approval of this proposition and the sale of any bonds approved, the Board shall take actions necessary to establish an account in which proceeds of the sale of bonds authorized by this proposition shall be deposited. In compliance with the requirements of California Government Code Section 53411, as long as any proceeds of the bonds remain unexpended, the chief fiscal officer of the District shall cause a report to be filed with the Board at least once a year, stating (a) the amount of funds collected and expended in that year, and (b) the status of any project required or authorized to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the chief fiscal officer of the District shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board.

COMPLETE TEXT OF MEASURE P-Continued

FURTHER SPECIFICATIONS

Single Purpose. All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to Education Code Section 15100, and all the enumerated purposes shall constitute the specific single purpose of the bonds, and the proceeds from the sale of bonds authorized by this proposition shall be spent only for such purpose, pursuant to California Government Code Section 53410.

Other Terms of the Bonds. When sold, the bonds shall bear interest at an annual rate not exceeding the statutory maximum, and that interest shall be made payable at the time or times permitted by law. The bonds may be issued and sold in several series, and no bond shall be made to mature later than the date which is 5 years from the date borne by that bond.

ESTIMATED BALLOT INFORMATION

The District is required by law to include in the statement of the bond proposition to be voted on estimates of the amount of money to be raised annually to repay the bonds and the rate and duration of the tax to be levied for the bonds. As of the time this proposition was placed on the ballot, the District estimated annual tax rates averaging less than 3 cents per \$100 of assessed valuation (annual repayment amount averaging \$7,500,000) while the bonds are outstanding (estimated to be approximately 12 years). Attention of all voters is directed to the fact that such information is based upon the District's projections and estimates only, which are not binding upon the District. The amount of money to be raised annually and the rate and duration of the tax to be levied for the bonds may vary from those presently estimated due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for project funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

BOND PROJECT LIST

The Bond Project List below lists the specific projects the District proposes to finance with proceeds of the bonds. The Bond Project List shall be considered a part of this bond proposition and shall be reproduced in any official document required to contain the full statement of the bond proposition. Listed projects will be completed as needed at a particular school or school facility site according to Board-established priorities, and the order in which such projects appear on the Bond Project List is not an indication of priority for funding or completion. In so far as permitted by law, each project is assumed to include its share of costs of the election and bond issuance, construction-related costs, such as project and construction management, architectural, engineering, inspection and similar planning and testing costs, demolition and interim housing costs, legal, accounting and similar fees, costs related to the independent annual financial and performance audits, a contingency for unforeseen design and construction costs, and other costs incidental to or necessary for completion of the listed projects (whether the related work is performed by the District or third parties). The final cost of each

COMPLETE TEXT OF MEASURE P-Continued

project will be determined as plans are finalized, construction bids are awarded, and projects are completed. In addition, certain project funds expected from non-local bond sources have not yet been secured. Therefore, the Board cannot guarantee that the bond proceeds will provide sufficient funds to allow completion of all listed projects. Alternatively, if the District obtains unexpected funds from non-local bond sources with respect to listed projects, such projects may be enhanced, supplemented or expanded to the extent of such funds. Some projects may be subject to further government approvals, including by State officials and boards and/or local environmental or agency approval. Inclusion of a project on the Bond Project List is not a guarantee that the project will be completed (regardless of whether bond funds are available).

The specific projects authorized to be financed with proceeds from the sale of bonds authorized by this proposition are as follows:

TECHNOLOGY AND STUDENT/CLASSROOM SAFETY MEASURE PROJECTS

The following projects are authorized to be financed at all school sites and District support facilities:

School Site Health, Safety and Security

- Upgrade and/or acquire and install exterior lighting, fire detection and suppression, security alarm, video surveillance, emergency, master key and door lock and other access controls, clock, bell, data, voice and audio-visual communication (including telephone and public address) systems, networks, fixtures, infrastructure, equipment and controls.
- Improve, correct, restore or renovate grounds, buildings and structures or portions thereof to eliminate or mitigate health and safety risks and/or comply with local, state and federal building, health, safety, access and other related requirements, including access requirements of the Americans with Disabilities Act (ADA).
- Modernize, renovate, replace, re-configure, expand, construct, acquire and install, and/or upgrade classrooms, classroom buildings, labs, restrooms, common areas and grounds, and school support facilities (including library, multipurpose room/auditorium, storage areas, food storage, preparation and service, cafeteria and office/staff support facilities), whether permanent, portable or modular, including interior and exterior doors, windows, door and window hardware, roofs, rain gutters and downspouts, walls, ceilings and floors and finishes, paint, siding, insulation, cabinets, storage, carpets, drapes, window coverings, infrastructure, lighting, sinks, drinking fountains, fixtures, and signage.
- Reconfigure, renovate, resurface, improve and/or expand roads, sidewalks, pathways, walkways, driveways, paved areas, parking lots and related areas, and pick-up/drop-off areas.
- Renovate, replace, repair, upgrade, expand, construct, acquire, install and/or improve play areas, hard courts, play fields, turf, fencing, landscape, hardscape and outdoor learning areas, including shade/rain structures and sitting areas.

Technology

- Upgrade, acquire and install technology equipment, fixtures and infrastructure, including computers, laptops, tablets, mobile devices, televisions, software, interactive educational technology, digital projectors, document cameras, smartboards, computer science tools and equipment, amplification devices,

COMPLETE TEXT OF MEASURE P-Continued

monitors, printers, 3D printers, copiers, scanners, announcement displays, wireless microphones, audio systems, video systems, network equipment (including servers, network interface devices, data backup systems, network switches and routers, storage area network equipment, firewalls, network security equipment, racking, power and cooling equipment, wiring and uninterruptible power supplies, and wireless WAN equipment). Such upgrades, acquisitions and installations of technology equipment, fixtures and infrastructure include initial purchases and scheduled and necessary replacements, upgrades and updating of technology. Technology equipment, fixtures and infrastructure includes existing technology equipment, fixtures and infrastructure as well as technology equipment, fixtures and infrastructure developed in the future.

MISCELLANEOUS

All listed bond projects include the following as needed:

- Planning, designing and providing temporary housing necessary for listed bond projects.
- The inspection, sampling and analysis of grounds, buildings and building materials to determine the presence of hazardous materials or substances, including asbestos, lead, etc., and the encapsulation, removal, disposal and other remediation or control of such hazardous materials and substances.
- Necessary onsite and offsite preparation or restoration in connection with new construction, renovation or remodeling, or installation or removal of relocatable buildings or other temporary buildings, including demolition of structures; removing, replacing, or installing irrigation, drainage, utility lines (gas, water, sewer, electrical, data and voice, etc.), trees and landscaping; and relocating fire access roads or ingress/egress pathways.
- Address other unforeseen conditions revealed by construction, renovation or modernization (including plumbing or gas line breaks, dry rot, seismic and structural deficiencies, etc.).
- Acquire or construct other improvements required to comply with building codes, including seismic safety requirements, the Field Act, and access requirements.
- Acquisition of any rights-of-way, easements, licenses and/or real property made necessary by listed bond projects, or lease of real property made necessary by the listed bond projects.
- Acquire or construct storage facilities and other space on an interim basis, as needed to accommodate construction materials, equipment, and personnel.
- Furnishing and equipping of classrooms and other school facilities; furnishing and equipping shall include initial purchases, and scheduled and necessary replacements, upgrades and updating of technology.
- All other costs and work necessary or incidental to the listed bond projects.

PROJECTS INVOLVING RENOVATION, REHABILITATION OR REPAIR

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

COMPLETE TEXT OF MEASURE P-Continued

GENERAL PROVISIONS

Interpretation. The terms of this bond proposition and the words used in the Bond Project List shall be interpreted broadly to effect the purpose of providing broad and clear authority for the officers and employees of the District to provide for the school facilities projects the District proposes to finance with the proceeds of the sale of bonds authorized by this proposition within the authority provided by law, including Article XIII A, Section 1(b)(3) of the California Constitution, Education Code Section 15000 *et seq.* and the Strict Accountability in Local School Construction Bonds Act of 2000. Without limiting the generality of the foregoing, such words as repair, improve, upgrade, expand, modernize, renovate, and reconfigure are used in the Bond Project List to describe school facilities projects in plain English and are not intended to expand the nature of such projects beyond, or have an effect on, and shall be interpreted to only permit, what is authorized under Article XIII A, Section 1(b)(3) of the California Constitution, Education Code Section 15000 *et seq.* and the Strict Accountability in Local School Construction Bonds Act of 2000. In this regard, the Bond Project List does not authorize, and shall not be interpreted to authorize, expending proceeds of the sale of bonds authorized by this proposition for current maintenance, operation or repairs. The school facilities projects on the Bond Project List only authorize capital expenditures.

Headings. The headings or titles of the sections of the bond proposition, including any headings or titles included in the Bond Project List, are solely for convenience of reference and shall not affect the meaning, construction or effect of the bond proposition.

Severability. The Board hereby declares, and the voters by approving this bond proposition concur, that every section and part of this bond proposition has independent value, and the Board and the voters would have adopted each provision hereof regardless of every other provision hereof. Upon approval of this bond proposition by the voters, should any part be found by a court of competent jurisdiction to be invalid for any reason, all remaining parts hereof shall remain in full force and effect to the fullest extent allowed by law, and to this end the provisions of this bond proposition are severable.

TAX RATE STATEMENT

An election will be held in the Evergreen Elementary School District (the "District") on November 3, 2020, to authorize the sale of up to \$80,000,000 in bonds of the District to finance school facilities as described in the proposition. If the bond proposition is approved by at least 55% of the voters of the District voting on the bond proposition, the District expects to issue the bonds in multiple series over time. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with Sections 9400 through 9405 of the California Elections Code.

1. The best estimate of the average annual tax rate that would be required to be levied to fund this bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of filing of this statement, is \$0.029 per \$100 of assessed valuation (or \$29.00 per \$100,000 of assessed valuation). The final fiscal year in which the tax is anticipated to be collected is 2032-33.
2. The best estimate of the highest tax rate that would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is \$0.030 per \$100 of assessed valuation (or \$30.00 per \$100,000 of assessed valuation). It is estimated that such rate would be levied starting in fiscal year 2021-22 and following.
3. The best estimate of the total debt service, including the principal and interest, that would be required to be repaid if all of the bonds are issued and sold is approximately \$90 million.

Voters should note that estimated tax rates are based on the *ASSESSED VALUE* of taxable property on the County's official tax rolls, *not* on the property's market value, which could be more or less than the assessed value. In addition, taxpayers eligible for a property tax exemption, such as the homeowner's exemption, will be taxed at a lower effective tax rate than described above. Property owners should consult their own property tax bills and tax advisors to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The average annual tax rate, the highest tax rate, the final fiscal year in which the tax is anticipated to be collected and the year or years in which they will apply, and the actual total debt service, may vary from those presently estimated for a variety of reasons, including, without limitation, due to variations in the timing of bond sales, the amount or amortization of bonds sold, market conditions at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount or amortization of bonds sold at any given time will be determined by the District based on need for project funds and other factors, including the legal limitations on bonds approved by a 55% affirmative vote. Market conditions, including, without limitation, interest rates, are affected by economic and other factors beyond the control of the District and will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process. The growth or decline in assessed valuation is the result of a number of economic and other factors outside the control of the District.

TAX RATE STATEMENT-Continued

Dated: July 27, 2020.

Emy Flores
Superintendent, Evergreen Elementary School District

ARGUMENT IN FAVOR OF MEASURE P

The COVID-19 crisis has had a significant impact on our entire community, but especially on our schools. Without warning, teachers and staff have been forced to find completely new ways to educate, stay connected with and care for our children.

Through this challenge, we all have learned a valuable lesson: **crises don't wait—we must prepare for any emergency.**

We now see how critical it is that we ensure that our schools are safe, high-quality learning environments where children can thrive, no matter the circumstances.

Measure P will help us reach these goals by providing our schools with the financial tools to make essential improvements and better prepare our children for a changing world.

Projects to be funded by Measure P include:

- Increasing student access to the internet, computers and modern technology
- Upgrading classroom and school emergency preparedness, including alarms and communication systems
- Renovating and modernizing classrooms and facilities

At the same time, we must not lose sight of the importance of protecting taxpayers. Measure P comes with iron-clad taxpayer protections to ensure that every tax dollar is carefully watched over and managed, including:

- Requiring that an Independent Citizens' Oversight Committee and third-party auditor will review all expenditures
- Qualifying for state matching funds
- Prohibiting funds from being used for administrators' salaries and benefits
- Guaranteeing that all bond money will be spent locally, not taken by the state for use elsewhere

ARGUMENT IN FAVOR OF MEASURE P-Continued

It's up to all of us to **ensure that our schools are a place where children thrive**. When our schools are successful, so is our community, with increasing property values and a brighter outlook for our future. Our schools are our most valuable public resource. Let's make sure they stay that way.

Vote Yes on Measure P.

Marisa Hanson
Board of Trustee

Leila Welch
Board of Trustee

Madhavi Gupta
Community Leader

Bernadette Marcias
Community Leader

Amy Shaffer
Community Leader

REBUTTAL TO ARGUMENT AGAINST MEASURE P

Note that the author of the argument against Measure P doesn't even live within the Evergreen Elementary School District and clearly has no sense of how important our children's education is to our citizens. To be blunt, hearing an outsider lecture us about how *we* should be spending *our* money to repair *our* schools is just plain offensive.

Obviously, nobody *enjoys* paying taxes. But let's be clear—**it's absolutely critical that we pass this bond measure *right now*.**

Because, **right now**, our schools are in crisis. **Right now**, our children's lives have been upended. And **right now**, our children need to prepare for their future in an uncertain world.

So right now is the time for us to ensure that our schools are prepared to educate students, regardless of the circumstances. **And right now is the time** to guarantee that our children have the educational tools to thrive.

Measure P will allow us to do this.

Measure P will make our schools safer and more secure for our children.

Measure P will give our students access to more modern educational tools.

And Measure P will provide our children with a greater chance for success in this changing world.

Past generations sacrificed for us to have the schools and classrooms necessary to succeed in our time. Today, this responsibility is ours to carry forward. **Vote YES on Measure P!**

Marisa Hanson
Board of Trustee

Leila Welch
Board of Trustee

Madhavi Gupta
Community Leader

Bernadette Marcias
Community Leader

Amy Shaffer
Community Leader