

## BERRYESSA UNION SCHOOL DISTRICT

### MEASURE U

**BERRYESSA UNION SCHOOL DISTRICT CLASSROOM UPGRADE/SAFETY MEASURE.** To repair/update local elementary/middle schools, including science, arts and math classrooms/labs for 21<sup>st</sup>-century learning; make essential safety and security improvements; replace aging fire alarms; repair, construct, acquire classrooms, equipment, sites/facilities; shall Berryessa Union School District's measure authorizing \$98,000,000 in bonds at legal rates, levying \$28.50/\$100,000 assessed value (\$6,300,000 annually) while bonds are outstanding, be approved, with citizen oversight, audits, no funds for administrators, all funds spent locally?

**BONDS—YES  
BONDS—NO**

### COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE U

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 based on assessed value—of property within a district.

The Board of Trustees (Board) of the Berryessa Union School District (District) proposes to issue such bonds in the amount of up to \$98,000,000 for the purposes of repairing and updating local elementary and middle schools, including science, arts, and math classrooms/labs; making essential safety and security improvements; replacing aging fire alarms; and repairing, constructing, and acquiring classrooms, equipment, sites, and facilities.

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

- Essential repairs and upgrades to restrooms, offices, heating and cooling systems, and school kitchens.
- Update science and arts classrooms and labs for 21<sup>st</sup>-Century learning.
- Improve school access for students, teachers, and staff with disabilities.
- Improve heating, cooling, and water systems to increase energy efficiency.
- Replace or repair roofs.
- Provide up-to-date classrooms
- Make essential safety and security improvements, including security fencing, security cameras, access control, building identification, site lines and intruder alert technology.
- Replace aging fire alarms and communications systems.
- Ensure that children's playgrounds, walkways, and fields meet current health and safety standards.
- Update classroom learning technology.
- Update school libraries.

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 above.

## COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE U-Continued

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

Under the California Constitution, 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 \$28.50 per \$100,000 of assessed value based on estimated assessed valuations available at the time of the filing of the tax rate statement of the Measure. The District estimates that the total amount repayable during the life of the bond, including principal and interest, will be approximately \$225 million. The Tax Rate Statement notes that the District has outstanding bonds from Measure B (1999) and Measure L (2014).

Measure U 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 \$98,000,000 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 U

**"BERRYESSA UNION SCHOOL DISTRICT CLASSROOM UPGRADE/SAFETY MEASURE.** To repair/update local elementary/middle schools, including science, arts and math classrooms/labs for 21<sup>st</sup>-century learning; make essential safety and security improvements; replace aging fire alarms; repair, construct, acquire classrooms, equipment, sites/facilities; shall Berryessa Union School District's measure authorizing \$98,000,000 in bonds at legal rates, levying \$28.50/\$100,000 assessed value (\$6,300,000 annually) while bonds are outstanding, be approved, with citizen oversight, audits, no funds for administrators, all funds spent locally?"

### PROJECT LIST

The Board of Trustees of the Berryessa Union School District is committed to improving the quality of education in local schools by attracting and retaining quality teachers, providing safe, secure, upgraded classrooms, and clean and well-maintained schools needed to support high quality instruction **in science, and the arts**, and preparing students for 21<sup>st</sup> Century learning. To that end, the Board evaluated the District's urgent and critical facility needs, including **safety and security** issues, class size reduction, **basic repairs**, computer and information technology in developing the types of projects to be funded by this measure as described below. The District conducted a facilities evaluation and received public input in developing this Project List. Teachers, staff, community members and the Board have prioritized the key health and safety needs so that the most critical facility needs are addressed.

In approving this Project List, the Board of Trustees determines that the District **must**:

- (i) **Make essential school safety and security improvements; and**
- (ii) **Update science and arts classrooms and labs for 21<sup>st</sup>-Century learning; and**
- (iii) **Upgrade and modernize aging school facilities; and**
- (iv) **Replace aging fire alarms and communications systems; and**
- (v) **Ensure that playgrounds, walkways and fields meet current safety standards; and**
- (vi) **Adhere to specific fiscal accountability safeguards:**
  - (a) **All expenditures subject to annual independent financial audits.**
  - (b) **No money taken by the State. All funds stay local.**
  - (c) **All expenditures reviewed by an independent citizen oversight committee to ensure that funds are spent only as authorized.**

The Project List includes the following types of upgrades and improvements at District schools, facilities and sites:

## COMPLETE TEXT OF MEASURE U-Continued

### IMPROVE STUDENT PREPARATION FOR 21<sup>st</sup>-CENTURY LEARNING

#### Basic School Repair and Upgrade Projects Funded By Money That Cannot Be Taken By the State Or Used for Other Purposes

**Goals and Purposes:** Some classrooms and District facilities have been updated, while many are decades old and in urgent need of repairs. This measure will allow for essential repairs and upgrades to restrooms, offices, heating and cooling systems, and school kitchens before the repairs become more costly down the road.

The requirements for success are rapidly changing and our classrooms and labs need to be modernized to meet today's educational standards. This measure will update classrooms, labs and learning technology so that our students are prepared to excel in high school and beyond.

- Update science and arts classrooms and labs for 21<sup>st</sup>-Century learning.
- Improve school access for students, teachers and staff with disabilities.
- Improve heating, cooling and water systems to increase energy efficiency and save money.
- Replace or repair roofs, as needed.
- **Provide up-to-date classrooms to prepare students for the 21<sup>st</sup> Century.**

#### STUDENT SAFETY AND ACHIEVEMENT: LOCAL SCHOOL FUNDING TO SUPPORT HIGH QUALITY INSTRUCTION IN MATH, SCIENCE AND THE ARTS

##### Projects That Improve Student Safety and Success

**Goal and Purpose:** There is nothing more important than protecting our children while they are at school. This measure will upgrade school safety and security with access control, security cameras, and fire alarm systems.

- **Make essential safety and security improvements**, including security fencing, security cameras, access control, building identification, site lines and intruder alert technology.
- **Replace aging fire alarms and communications systems.**
- Ensure that children's playgrounds, walkways and fields meet current health and safety standards.
- Update classroom learning technology.
- Update school libraries.

In addition to the projects listed above, the repair and renovation of each of the existing school facilities may include, but not be limited to, some or all of the following: add or renovate student and staff restrooms; repair and replace electrical, plumbing, heating, ventilation and air conditioning systems; upgrade of facilities for energy efficiencies; repair and replace worn-out and deteriorated roofs, windows, walls, floors, doors and drinking fountains; construct or renovate facilities for more efficient administration and multi-purpose learning spaces; install wiring and electrical systems to safely accommodate computers, technology and other electrical devices; upgrade or construct support facilities including administrative, physical education, music, art, classrooms or

## COMPLETE TEXT OF MEASURE U-Continued

facilities, science, computer labs/classrooms, libraries, gyms, buildings, maintenance and transportation yards and related warehouse facilities; acquire, construct or contribute to affordable housing units for teachers and staff; repair and replace fire alarms, emergency communications and security systems; improve facilities to satisfy ADA requirements; resurface or replace asphalt, broken concrete and improve hard courts, turf and irrigation/drainage systems and campus landscaping; install signage, marquees, solar panels or other energy efficiency systems, and fencing; expand parking and drop-off areas; improve all site utilities; acquire land; construct new classrooms and school buildings and schools; upgrade or replace interior and exterior painting, floor covering (including carpets), and school facades; projects authorized by the District's Measure L, approved by the voters in 2014; demolition; upgrade kitchens, food service, and school cafeterias; construct various forms of storage and support spaces and classrooms; improve outdoor learning environments; repair, upgrade and install interior and exterior lighting systems; improve playgrounds, play structures, athletic fields and facilities to support student health, fitness and safety; acquire vehicles, trucks, vans and buses; replace outdated security fences and security systems (including access control systems), provide lunch shelters, indoor space for assemblies or for rainy day lunch; upgrade music labs, multi-purpose rooms, learning centers and media centers; add or upgrade parking lots. In addition to the listed projects stated above, the Project List also includes the acquisition of a variety of instructional, maintenance and operational equipment, including the reduction or retirement of outstanding lease obligations and interim funding incurred to advance fund projects from the Project List; payment of the costs of preparation of all facility planning, facility studies, assessment reviews, facility master plan preparation and updates, environmental studies (including environmental investigation, remediation and monitoring), design and construction documentation, and temporary housing of dislocated District activities caused by construction projects. The upgrading of technology infrastructure includes, but is not limited to, network rewiring, cabling, computers, portable interface devices, servers, switches, routers, modules, sound projection systems, laser printers, digital white boards, document projectors, upgrade voice-over-IP, clock/telephone/intercom systems, call manager and network security/firewall, wireless technology systems, refresh classroom technology, including enterprise software applications, miscellaneous IT and instructional equipment, data storage, phones, identity cards and the construction and installation of a data center in the cloud for the District's enterprise systems, such as resource planning, websites, domain name systems, cloud applications and information security. The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans and construction documents are finalized, construction bids are received, construction contracts are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of portable classrooms and existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses. Necessary site preparation/restoration may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation or drainage systems, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary

## COMPLETE TEXT OF MEASURE U-Continued

easements, licenses, or rights of way to the property. The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses and a customary contingency for unforeseen design and construction costs. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to bond projects. Bond proceeds shall only be expended for the types of projects and purposes identified herein. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

**FISCAL ACCOUNTABILITY: THIS MEASURE REQUIRES A CLEAR SYSTEM OF ACCOUNTABILITY, INCLUDING A PROJECT LIST DETAILING HOW THE MONEY WILL BE USED, A CITIZEN'S OVERSIGHT COMMITTEE, AND INDEPENDENT AUDITS TO ENSURE MONEY IS SPENT PROPERLY.**

IN ACCORDANCE WITH EDUCATION CODE SECTION 15272, THE BOARD OF TRUSTEES WILL APPOINT A CITIZENS' OVERSIGHT COMMITTEE AND CONDUCT ANNUAL INDEPENDENT AUDITS TO ASSURE THAT FUNDS ARE SPENT ONLY ON DISTRICT PROJECTS AND FOR NO OTHER PURPOSE. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

NO ADMINISTRATOR SALARIES: PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED BY THIS PROPOSITION SHALL BE USED ONLY FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, OR REPLACEMENT OF SCHOOL FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF SCHOOL FACILITIES, AND NOT FOR ANY OTHER PURPOSE, INCLUDING TEACHER AND SCHOOL ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES.

## TAX RATE STATEMENT

An election will be held in the Berryessa Union School District (the "District") on March 5, 2020, to authorize the sale of up to \$98,000,000 in general obligation bonds of the District. Proceeds from the sale of such bonds will be used for the specific school facilities projects listed in the Bond Project List established by the District, as described in the measure. If the measure is approved, the District expects to sell the bonds in two or more series over time based on its project needs and other considerations, including prudent debt management and tax rate considerations. Once issued, principal and interest on the bonds will be payable from monies collected from annual ad valorem tax levies made upon all taxable property in the District.

The following information is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California. Such information represents the best estimates and projections of the District and is based in part on projections of assessed valuations. Such projections reflect the current assessed value of the District and annual increases based on past experience in the District.

1. The best estimate from official sources of the average annual tax rate that would be required to be levied to fund that bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors is 2.25 cents per \$100 of assessed valuation (\$22.50 per \$100,000 of assessed valuation) of all property to be taxed. The best estimate of the final fiscal year in which the tax is anticipated to be collected is 2055-56.

2. The best estimate from official sources of the highest tax rate that would be required to be levied to fund that bond issue, and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors is 2.85 cents per \$100 of assessed valuation (\$28.50 per \$100,000 of assessed valuation) of all property to be taxed. The best estimate of the year in which the highest tax rate will apply is anticipated to be tax year 2028-29.

3. The best estimate from official sources of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold is \$225 million.

Voters should note that such estimated tax rates are specific to the repayment of bonds issued under this authorization and are and will be in addition to tax rates levied in connection with other bond authorizations approved or to be approved by local voters for the District or for any other overlapping public agency.

Prior to this measure, District voters have approved two separate authorizations under which the District has issued bonds that are still outstanding: 1999 Measure B and 2014 Measure L. In tax year 2018-19, the combined general obligation bond tax rate was \$30.10 per \$100,000 of assessed value (with individual components of \$7.00 for 1999 Measure B and \$23.10 for 2014 Measure L). 1999 Measure B will be fully paid off in tax year 2027-28 and 2014 Measure L will be fully paid off by tax year 2043-44.

Voters should note that estimated tax rate is based on the ASSESSED VALUE of taxable property on Santa Clara County's official tax rolls, not

## TAX RATE STATEMENT-Continued

on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

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 actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount 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 construction funds and other factors including tax rate considerations. 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 Contra Costa County Assessor in the annual assessment and the equalization process.

Dated: December 4, 2019

Roxane Fuentes

Ed.D., Superintendent, Berryessa Union School District

## ARGUMENT IN FAVOR OF MEASURE U

Vote YES on U to support outstanding Berryessa Union School District schools and ensure local students receive a high-quality education in safe and up-to-date classrooms.

There is nothing more important than the safety of our children when they are at school. Measure U will upgrade schools with access control, security cameras and alarm systems. Our students are counting on us.

In addition, although some classrooms have been updated recently, many have not been improved in decades. Measure U will make necessary safety improvements to restrooms, heating and cooling systems and classrooms so all schools are up to the same standards.

Your YES vote is critical. Here in Silicon Valley, we know all too well that the requirements for success are rapidly changing. Our students need to be prepared for the competitive economy ahead and Measure U will update classrooms, labs and learning technology to meet today's standards for quality education.

### Vote YES on U—Excellent Local Schools

- Make essential school safety and security improvements
- Update science, music and arts classrooms and labs for 21<sup>st</sup>-century learning
- Upgrade and modernize aging school facilities
- Replace aging fire alarms and communication systems
- Ensure playgrounds, walkways and fields meet current safety standards
- Update classroom learning technology equipment

### Local Control is Required

- Every penny stays local
- No funds can be taken away by the State
- Independent citizens' oversight and annual audits are required
- No funds can go towards administrator salaries

Even if you don't have school-aged children, voting YES on U is a wise investment. Outstanding local schools contribute to our quality of life and protect strong property values.

Berryessa schools are doing an excellent job educating our local students. Measure U will ensure our schools can continue providing students with the high-quality education they deserve. Join local business leaders, seniors, parents and teachers and vote YES on U.

Linda Locke  
President, Berryessa Citizens Advisory Council

Kansen Chu  
CA Assemblymember, District 25

Marty Michaels  
President, Citizens' Bond Oversight Committee

Mike Flaughner  
Longtime Resident/Senior

Frank Cancilla  
President, Berryessa Business Association

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE U

Just 6 years ago, Berryessa Union School District trustees won from us voters a \$77,000,000 tax bond (debt) measure to do:

- Improve schools
- Upgrading classroom learning technology
- Upgrade old classrooms
- Upgrade school safety
- Upgrade fire and emergency systems

Now, just 6 years later, they want to spend \$98,000,000 to do:

- Improve elementary/middle schools
- Replace aging technology
- Repair old classrooms
- Upgrade school safety
- Replace aging fire alarms

Isn't it amazing how fast schools deteriorate in just 6 years?

**Would you take out a 25-to 30-year loan to buy a personal computer that will be obsolete in 4-5 years?** That would be nuts, right? But that is what the District wants us to do...again!

Education Data Partnership ([www.Ed-Data.org](http://www.Ed-Data.org)) shows a steady, declining student enrollment, down to 7,102 students (2017-18), which would make the bond expense \$13,498 per student—not counting interest (up to 12%/year). That is on top of ADA revenues of \$10,301 per student every year.

**Taking on decades of debt to buy technology that will be obsolete in 4-5 years is bad financial policy.**

**Just say NO to bad financial policy: vote NO on Measure U.**

Voting for this tax bond would just reward bad behavior. Parents know that rewarding bad behavior just gets you more bad behavior. That's nuts!

**Don't burden our children and grandchildren with this immense debt!**

Just say **NO on Measure U.**

More information: [www.SVTaxpayers.org](http://www.SVTaxpayers.org)

Mark W.A. Hinkle  
President: Silicon Valley Taxpayers Association

Jennifer Imhoff  
District Parent

## ARGUMENT AGAINST MEASURE U

Just 6 years ago, Berryessa Union School District trustees won from us voters a \$77,000,000 tax bond (debt) measure to do:

1. Improve schools
2. Upgrading classroom learning technology
3. Upgrade old classrooms
4. Upgrade school safety
5. Upgrade fire and emergency systems

Now, just 6 years later, they want to spend \$98,000,000 to do:

1. Improve elementary/middle schools
2. Replace aging technology
3. Repair old classrooms
4. Upgrade school safety
5. Replace aging fire alarms

Isn't it amazing how fast schools deteriorate in just 6 years?

**Would you take out a 25-to 30-year loan to buy a personal computer that will be obsolete in 4-5 years?** That would be nuts, right? But that is what the District wants us to do...again!

If you vote for this tax bond, don't be surprised if, in another 6 years, the District asks for well over \$120,000,000 to, once again, replace aging technology that we will still be paying for, imposing more bond debt to be passed on to our children and likely our grandchildren.

Education Data Partnership ([www.Ed-Data.org](http://www.Ed-Data.org)) shows a steady, declining student enrollment, down to 7,102 students (2017-18), which would make the bond expense \$13,498 per student—not counting interest (up to 12%/year). That is on top of ADA revenues of \$10,301 per student every year.

**Taking on decades of debt to buy technology that will be obsolete in 4-5 years is bad financial policy.**

**Just say NO to bad financial policy: vote NO on Measure U.**

Voting for this tax bond would just reward bad behavior. Parents know that rewarding bad behavior just gets you more bad behavior. That's nuts!

**Don't burden our children and grandchildren with this immense debt!**

Sent a clear message to the District by voting **NO on Measure U**.

For more information: [www.SVTaxpayers.org](http://www.SVTaxpayers.org)

Mark W.A. Hinkle  
President: Silicon Valley Taxpayers Association

Jennifer Imhoff  
District Parent

## REBUTTAL TO ARGUMENT AGAINST MEASURE U

Don't let the two opponents mislead you. Nearly identical arguments were submitted against almost every school measure in Santa Clara and San Mateo counties, without regard for the specifics or our needs.

As local residents and community leaders, we recognize the importance of Berryessa schools and know that Measure U is needed.

Here are the facts:

- Measure U is the next step in addressing urgent updates to our schools. The Berryessa Union School District Facilities Needs and Assessment Study identified over \$332 million in necessary school repairs. The 2013 measure was meant to address the first phase of improvements, with all projects completed on time and under budget. Now, we need Measure U to fund the next phase of improvements so that all Berryessa students can learn in safe and modern classrooms.
- Although some classrooms have been updated recently, more work needs to be done. Now is the time to update our schools before repairs become more costly down the road.
- The District will not finance short-term technology with long-term bonds. Instead, Measure U will make critical repairs and upgrades to support outstanding education.
- Our children's safety while at school is of paramount importance. Measure U will address the next phase of safety and security updates that are needed.

We all benefit from living in a community with high-performing schools that are among the best in the state. Measure U ensures our schools are safe and can support a high-quality education that prepares students to excel.

Join our trusted local leaders and vote YES on Measure U.

Andrew Hung  
Principal, Berryessa Chinese School

Kevin Costello  
Longtime Resident/Senior

Afia Laiq  
President, North Valley Council PTA

Robin Wang  
Parent, Resident