

MILL VALLEY SCHOOL DISTRICT BOND MEASURE C

C **MEASURE C:** To reconstruct and modernize Mill Valley elementary and middle schools, including installing and constructing fire safety, emergency communications, seismic and disabled access improvements; providing sufficient space for students; and repairing or replacing outdated plumbing, electrical and other vital systems and facilities, shall the Mill Valley School District be authorized to issue \$59,800,000 in bonds for Phase 1 of the approved Facilities Master Plan, and establish a Citizens' Oversight Committee to ensure all expenditures are made according to the plan?

BONDS YES

BONDS NO

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE C

MILL VALLEY SCHOOL DISTRICT SAFETY AND MODERNIZATION BOND OF 2009

This measure, if approved by 55% of those voting thereon, would authorize the sale of general obligation bonds of the Mill Valley School District (the "District") in the amount of \$59,800,000.

The bonds would provide funding for construction, reconstruction, rehabilitation, or replacement of school facilities, including 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. The Mill Valley School District would be authorized to issue \$59.8 million in bonds in one or more series, to improve school sites as specified in the District's Project List, with oversight by an independent Citizen's Oversight Committee to monitor all expenditures.

s/PATRICK K. FAULKNER
County Counsel

FULL TEXT OF MEASURE C

MILL VALLEY SCHOOL DISTRICT SAFETY AND MODERNIZATION BOND OF 2009

This Proposition may be known and referred to as the "Mill Valley School District Safety and Modernization Bond of 2009" or as "Measure C".

FINDINGS

The Mill Valley School District for many years has relied on its existing, but limited capital-improvement resources to maximize the use of its aging elementary and middle school facilities while keeping them safe for students, teachers and staff.

To identify the most cost-effective, responsible and timely approach for addressing its long-term facilities and school safety needs, the Mill Valley School District conducted a more than two-year process of study and assessment that included extensive staff and public participation and input. The resulting comprehensive Facilities Master Plan will serve as a decision making guide for the District as it strives to provide a safe learning and work environment conducive to high levels of student learning.

Financing the Facilities Master Plan through a bond measure is the most cost-effective way to pay for long-term capital improvements; and, the amount of this bond is within the limits allowed by state law.

This bond measure is needed to complete Phase 1 of the Facilities Master Plan with the primary focus on keeping school buildings safe, meeting the District's immediate need for adequate classroom space and avoiding expensive patchwork repairs to Edna Maguire Elementary School that would cost nearly as much to make as reconstructing the school.

Proceeds from this bond measure will only be spent to improve and upgrade the Mill Valley School District's elementary and middle school facilities, cannot be taken away by the state and can only be spent on items specified in the Project Plan, with oversight by an independent Citizens Oversight Committee.

BOND AUTHORIZATION

By approval of this proposition by at least 55% of the registered voters voting on the proposition, the Mill Valley School District shall be authorized to issue and sell bonds of up to \$59,800,000 in aggregate principal amount, in one or more series, to provide financing for the specific school facilities projects listed in the Bond Project List attached hereto as Exhibit A, subject to all of the accountability safeguards specified below.

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.

ACCOUNTABILITY SAFEGUARDS

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

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

Independent Citizens' Oversight Committee. The Board of Trustees shall establish an independent Citizens' Oversight Committee (pursuant to Education Code Section 15278 and following), to ensure bond proceeds are spent only for the school facilities projects listed in Exhibit A. The committee shall be established not later than 60 days after the date when the results of the election appear in the minutes of the Board of Trustees.

Annual Performance Audits. The Board of Trustees shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in Exhibit A.

Annual Financial Audits. The Board of Trustees shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed in Exhibit A.

Special Bond Proceeds Account; Annual Report to Board of Trustees. Upon approval of this proposition and the sale of any bonds approved, the Board of Trustees shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent of the District shall cause an annual report to be filed with the Board of Trustees, with the first report to be filed not later than one year after the first series of Bonds have been issued, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent of the District shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board of Trustees.

BOND PROJECT LIST

The Bond Project List attached to this resolution as Exhibit A shall be considered a part of this ballot proposition, and shall be reproduced in any official document required to contain the full statement of the bond proposition.

The Bond Project List describes the specific proj-

ects the Mill Valley School District proposes to finance with proceeds of the bonds. Listed construction projects, repairs, rehabilitation projects and upgrades will be completed as needed at a particular school site according to Board of Trustees established priorities. Each project is assumed to include its share of costs of the election and bond issuance, architectural, engineering, inspection and similar planning costs, construction management (whether performed by the District or by third parties), annual financial and performance audits, a customary contingency for unforeseen design and construction costs, and other costs incidental to and necessary for completion of the listed projects. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. Certain construction funds expected from non-bond sources have not yet been secured. Until all project costs and funding sources are known, the Board of Trustees cannot determine the amount of bond proceeds available to be spent on each project, nor guarantee that the bonds will provide sufficient funds to allow completion of all listed projects. Some projects may be subject to further government approvals by State officials and boards, and to local environmental review. For these reasons, inclusion of a project on the Bond Project List is not a guarantee that the project will be completed.

FURTHER SPECIFICATIONS

Specific Purposes. 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 shall constitute the specific purposes of the bonds, and proceeds of the bonds shall be spent only for such purposes, as required by Government Code Section 53410.

Reimbursement for Project Costs. A portion of the proceeds of the bonds shall be applied to reimburse the District for expenditures made on or after April, 2008 and prior to the date of the election for the capital costs of acquiring and installing an emergency response notification system for staff and parents, using voice over Internet protocol telephone, and preliminary expenditures directly related to the Bond Project List contained in Exhibit A.

Other Terms of the Bonds. When sold, the bonds shall bear interest at an annual rate not exceeding the statutory maximum, and interest will 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 more than 40 years from the date that bond is issued.

EXHIBIT A

Mill Valley School District

Bond Project List

Edna Maguire Elementary School

80 Lomita Drive, Mill Valley

New Construction and Modernization

- Reconstruct Edna Maguire Elementary School on the same site to meet current state building, safety and seismic codes and provide sufficient classroom space for students. Construct classrooms, support and administrative space, multi-purpose building, play areas, parking and drop-off, equip and furnish new facility, make necessary site improvements including utilities. Renovate existing kindergarten modular buildings. Remove existing buildings and install temporary facilities as needed.

Old Mill Elementary School

352 Throckmorton Avenue, Mill Valley

Safety and Communication

- Replace outdated fire alarm system
- Replace outdated clock, bell and paging system
- Make required upgrades for access compliance with the Americans with Disabilities Act and State laws

Building Systems and Renovation

- Repair or replace leaking or deteriorating roofs
- Repair or replace aging electrical system components and upgrade inefficient lighting systems
- Repair or replace aging plumbing system components
- Repair or replace windows, doors and hardware as needed
- Repair or replace damaged restroom surfaces and fixtures as needed
- Upgrade computer wiring and infrastructure as needed
- Paint interior and exterior of buildings as needed
- Replace flooring as needed
- Repair or replace cabinet and countertops as needed
- Perform interior and exterior repairs as needed
- Modernize lower-level classrooms

Site Improvements

- Restore or resurface deteriorating concrete or blacktop
- Evaluate and repair drainage systems
- Construct solar ready covered outdoor eating area

Park Elementary School

360 East Blithedale Avenue, Mill Valley

Safety and Communication

- Replace outdated fire alarm system
- Replace outdated clock, bell and paging system
- Make required upgrades for access compliance with the Americans with Disabilities Act and State laws

Building Systems and Renovation

- Repair or replace leaking or deteriorating roofs
- Repair or replace aging electrical system components and upgrade inefficient lighting systems
- Repair or replace aging plumbing system components

- Repair or replace windows, doors and hardware as needed
- Repair or replace damaged restroom surfaces and fixtures as needed
- Repair or replace deteriorated exterior siding at annex building
- Upgrade computer wiring and infrastructure as needed
- Paint interior and exterior of buildings as needed
- Replace flooring as needed
- Repair or replace cabinet and countertops as needed
- Perform interior and exterior repairs as needed
- Install energy efficient ventilation in Multi Purpose Room

Site Improvements

- Restore or resurface deteriorating concrete or blacktop
- Evaluate and repair drainage systems
- Construct solar ready covered outdoor eating area

Strawberry Point Elementary School

117 East Strawberry Drive, Mill Valley

Safety and Communication

- Replace outdated fire alarm system
- Replace outdated clock, bell and paging system
- Make required upgrades for access compliance with the Americans with Disabilities Act and State laws

Building Systems and Renovation

- Repair or replace leaking or deteriorating roofs
- Repair or replace aging electrical system components and upgrade inefficient lighting systems
- Repair or replace aging plumbing system components
- Repair or replace windows, skylights doors and hardware as needed
- Repair or replace damaged restroom surfaces and fixtures as needed
- Upgrade computer wiring and infrastructure as needed
- Paint interior and exterior of buildings as needed
- Replace flooring as needed
- Repair or replace cabinet and countertops as needed
- Perform interior and exterior repairs as needed

Site Improvements

- Restore or resurface deteriorating concrete or blacktop
- Evaluate and repair drainage systems
- Construct solar ready covered outdoor eating area

Tamalpais Valley Elementary School

350 Bell Lane, Mill Valley

Safety and Communication

- Replace outdated fire alarm system
- Replace outdated clock, bell and paging system
- Make required upgrades for access compliance with the Americans with Disabilities Act and State laws

Building Systems and Renovation

- Repair or replace leaking or deteriorating roofs
- Repair or replace aging electrical system components and upgrade inefficient lighting systems

- Repair or replace aging plumbing system components
- Repair or replace windows, doors and hardware as needed
- Repair or replace damaged restroom surfaces and fixtures as needed
- Upgrade computer wiring and infrastructure as needed
- Paint interior and exterior of buildings as needed
- Replace flooring as needed
- Repair or replace cabinet and countertops as needed
- Perform interior and exterior repairs as needed

Site Improvements

- Restore or resurface deteriorating concrete or blacktop
- Evaluate and repair drainage systems
- Reconfigure parking lot to improve fire access and traffic flow
- Upgrade aging electrical and plumbing utility systems as needed
- Upgrade exterior lighting system
- Construct solar ready covered outdoor eating area

Mill Valley Middle School

425 Sycamore Avenue, Mill Valley

Building Systems and Renovation

- Upgrade outdated and insufficient computer wiring and infrastructure
- Install energy efficient ventilation in gymnasium
- Perform interior and exterior repairs as needed

District-Wide Projects

Safety and Communication

- Upgrade/install emergency response notification system for staff and parents using voice over Internet protocol telephone

EXHIBIT B

Tax Rate Statement for Measure C

An election will be held in the Mill Valley School District (the "District") on November 3, 2009 for the purpose of submitting to the electors of the District the question of incurring bonded indebtedness of the District in the amount of \$59,800,000. If such bonds are authorized and sold, the principal thereof and the interest thereon will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information regarding tax rates is provided in compliance with Sections 9400-9404 of the Elections Code of California. Such information is based upon the best estimates and projections presently available from official sources, experience within the District or other demonstrable factors.

1. The best estimate of the tax rate which would be required to be levied to fund principal and interest payments on this bond issue during the first year after the sale of the first series of bonds (fiscal year 2010-11), based on estimated assessed valuations available at the time of this statement is \$0.01960 per \$100 (\$19.60 per \$100,000) of assessed valuation.

2. The best estimate of the tax rate which would be required to be levied to fund principal and interest payments on this bond issue during the first year after the sale of the last series of bonds (fiscal year 2014-15), based on estimated assessed valuations available at the time of this statement is \$0.02996 per \$100 (\$29.96 per \$100,000) of assessed valuation.

3. The best estimate of the highest tax rate which would be required to be levied to fund principal and interest payments on this bond issue, based on estimated assessed valuations available at the time of this statement is \$0.03000 per \$100 (\$30.00 per \$100,000) of assessed valuation which would apply in year 2031-32.

Attention of all voters is directed to the fact that the foregoing information regarding tax rates is based upon District projections and estimates only, which are not binding on 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 timing of the bond sales, the amount of bonds sold at any given sale, market interest rates at the time of each bond sale, and actual assessed valuations over the term of repayment of the bonds.

Dated: August 6, 2009

s/KEN BENNY
Superintendent

ARGUMENT IN FAVOR OF MEASURE C

Please vote YES on Measure C. Mill Valley elementary and middle school students deserve safe, modern schools, and all Mill Valley residents should feel proud of how we serve our community's children.

Most of Mill Valley's schools are over 50 years old. The Mill Valley School District has done a great job – with limited resources – keeping up the safety and appearance of our schools.

But many of the vital systems that keep our schools running, safe, warm and dry are simply approaching the end of their useful lives. Continuing to make temporary and piecemeal fixes is extremely expensive and impractical. Waiting for those systems to fail completely is irresponsible.

Measure C is the result of two years of thorough community discussion on how to best address the needs of our schools. This well-planned, cost-effective approach will prepare our elementary and middle schools to meet our educational needs for many years to come.

Measure C addresses our most urgent and immediate facilities needs, including:

- Repairing and replacing aging fire safety and emergency communications systems;
- Repairing and replacing leaking roofs and windows and aging electrical and plumbing systems;
- Reconstructing school buildings that were built years ago following codes that are no longer current;
- Improving disabled access;
- Ensuring we have sufficient classroom space for students now and in the future.

The funding Measure C provides will stay right here in our schools – it can't be taken away by the State. Measure C also includes strong public accountability safeguards, with all spending subject to annual independent audits and strict monitoring by an independent Citizen Oversight Committee.

Now is the right time to do this necessary work. Waiting to get started will only increase the cost.

Please join us in VOTING YES on Measure C and give Mill Valley safe, modern K-8 schools.

s/STEVEN J. SELL

President, MVSD Board of Trustees

s/LEANNE HANSEN

Chair, Safe Modern MV Schools

s/ANDREW BERMAN

Mayor, City of Mill Valley

s/TRISHA GARLOCK

Executive Director, Kiddo!

s/ROBERT F. CANEPA

Retired Business Owner

NO ARGUMENT AGAINST MEASURE C WAS SUBMITTED.