

**CONCEPTS AND ROLES**

The Tuolumne County Superintendent of Schools Office recognizes that one of its major responsibilities is to provide healthful, safe and adequate facilities that enhance the instructional program. The County Office shall endeavor to make the provision of adequate school/program site facilities a priority in the County Office. Because the school/program sites serve as a focal point for the community, the County Office shall also strive to ensure that County Office facilities fit harmoniously and attractively into their neighborhoods and have flexibility of design to meet future educational and community needs.

*(cf. 9000 - Role of the Board)*

The County Office shall strive to have a County Office facilities master plan in place and regularly reviewed in light of the County Office's educational goals. In accordance with this plan, the County Office shall:

1. Approve additions or major alterations to existing buildings

*(cf. 7111 - Evaluating Existing Buildings)*

2. Determine what new buildings shall be built, when and where, and what equipment shall be purchased for them

3. Determine the method of financing that will be used

*(cf. 7210 - Facilities Financing)*

4. Select and purchase sites for future expansion

*(cf. 7150 - Site Selection and Development)*

5. Approve the selection of architects and structural engineers

*(cf. 7140 - Architectural and Engineering Services)*

6. Award contracts for design and construction

7. Name County Office and individual buildings

*(cf. 7310 - Naming of Facility)*

8. Advocate County Office facility needs to the community

*(cf. 7110 - Facilities Master Plan)*

*(cf. 7131 - Relations with Local Agencies)*

**CONCEPTS AND ROLES** (continued)

The Tuolumne County Superintendent of Schools or designee shall:

1. Assess the County Office's short- and long-term facility needs
2. Direct the preparation and updating of the facilities master plan
3. Oversee the preparation of bids and award of contracts

*(cf. 3311 - Bids)*

4. Supervise the implementation of the County Office's building program in accordance with the master plan, County Office policy, and state and local requirements, including collaboration with the architect and contractor on the construction of new facilities and modernization of existing facilities
5. Represent the County Office in official governmental interactions related to the building program

*Legal Reference:*

EDUCATION CODE

*17210-17224 General provisions (school sites)*

*17260-17268 Plans of schoolhouses*

*17280-17317 Approval of plans and supervision of construction*

*17340-17343 Building of schoolhouses*

*17350-17360 Factory-built school buildings*

*17365-17374 Fitness of buildings for occupancy; liability of board members*

*17400-17429 Leasing of school buildings*

CODE OF REGULATIONS, TITLE 5

*14001 Minimum standards*

*14010 Procedure for site acquisition*

*14030 Preliminary procedure, planning and approval of school facilities*

*14031-14032 Submissions to bureau of school facilities planning; approval*

**FACILITIES MASTER PLAN**

The Tuolumne County Superintendent of Schools Office recognizes the importance of long-range planning for school/program site facilities in order to help meet the changing needs of County Office students and to help ensure that resources are allocated in an efficient and effective manner. To that end, the County Office directs the Tuolumne County Superintendent of Schools or designee to develop and maintain a master plan for County Office facilities.

The plan shall describe the County Office's anticipated short- and long-term facilities needs and priorities and shall be aligned with the County Office's educational goals.

*(cf. 0000 - Vision)*

*(cf. 7000 - Concepts and Roles)*

*(cf. 7111 - Evaluating Existing Buildings)*

*(cf. 7131 - Relations with Local Agencies)*

*(cf. 7210 - Facilities Financing)*

The County Superintendent or designee shall ensure that staff, parents/guardians, students, and business and community representatives are kept informed of the need for construction and modernization of facilities and of the County Office's plans for facilities. The County Superintendent or designee may also establish a facilities committee that shall meet at regular intervals in order to give community members opportunities to provide input into the planning process. The committee may consult local governmental and state planning agencies in order to ensure compliance with local and state standards.

*(cf. 1220 - Citizen Advisory Committees)*

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing County Office sites or the necessity to acquire additional school/program sites, the County Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the County Office. (Government Code 65352.2)

If the city or county commission or agency requests a meeting, the County Superintendent or designee shall meet with them within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school/program sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance. (Government Code 65352.2)

*Legal Reference: (see next page)*

**FACILITIES MASTER PLAN (continued)**

*Legal Reference:*

EDUCATION CODE

16011 Long range comprehensive master plan

16322 Department of Education services

17017.5 Approval of applications for projects

17251 Powers and duties of CDE

17260-17268 Plans of schoolhouses

17280-17317 Field Act

17365-17374 Fitness for occupancy

17405 Relocatable structures; lease requirements

35275 New school planning; cooperation with recreation and park authorities

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities

65352.2 Communicating and coordinating of school sites

65995.6 School facilities needs analysis

CODE OF REGULATIONS, TITLE 5

14001 Minimum standards

14030-14036 Standards, planning and approval of school facilities

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

*Management Resources:*

WEB SITES

Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

CDE, School Facilities Division: <http://www.cde.ca.gov/facilities>

**EVALUATING EXISTING BUILDINGS**

The Tuolumne County Superintendent of Schools or designee shall periodically evaluate the adequacy and design of existing County Office facilities to determine whether they meet the needs of the instructional program, provide a healthful and pleasing environment for students and staff, and fulfill legal requirements for safety and structural soundness, access for the disabled and energy conservation.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 3511 - Energy and Water Conservation)*

*(cf. 3514 - Environmental Safety)*

*(cf. 7110 - Facilities Master Plan)*

In the event that the Department of General Services or any licensed structural engineer or licensed architect finds and reports to the Tuolumne County Superintendent of Schools Office that a County Office building is unsafe for use, the County Superintendent or designee shall immediately obtain an estimate of the cost of repairs or reconstruction necessary to bring the building up to legal standards for structural safety. The County Office shall establish a system of priorities for the repair, reconstruction or replacement of unsafe office or school buildings. (Education Code 17367)

**Energy Efficiency**

When evaluating existing buildings, the County Superintendent or designee shall arrange for the pre-audit and postaudit of County Office buildings by utility firms to the extent that these services are available. Information provided by these services shall be used to determine the cost of retrofitting the buildings and the savings which may result from adding insulation, making design modifications or using other energy-conserving devices. The County Office may contract with qualified businesses capable of retrofitting these buildings and may borrow funds which do not exceed the amount of energy savings to be accumulated from the improvement of the buildings. (Education Code 17651-17653)

**Report of Existing Building Capacity**

The County Office shall submit a one-time report of existing school/program site capacity to the State Allocation Board. The County Office's, or where appropriate the attendance area's, existing school/program site capacity shall be calculated pursuant to the formulas set forth in Education Code 17071.10-17071.40 and in 2 CCR 1859-1859.106.

*Legal Reference: (see next page)*

**EVALUATING EXISTING BUILDINGS (continued)**

*Legal Reference:*

EDUCATION CODE

17070.10-17077.10 *Leroy F. Greene School Facilities Act of 1998 especially:*

17071.10-17071.40 *Existing school building capacity*

17280-17316 *Building approvals*

17365-17374 *Fitness for occupancy*

17650-17653 *Retrofitting school facilities for energy conservation*

GOVERNMENT CODE

53097 *Compliance with city or county ordinances*

53097.5 *Inspection of schools by city or county*

CODE OF REGULATIONS, TITLE 2

1859-1859.106 *Regulations relating to the Leroy F. Greene School Facilities Act of 1998*

*Management Resources:*

WEB SITES

*Department of General Services, Office of Public School Construction: <http://www.dgs.ca.gov/opsc/>*

**RELATIONS WITH LOCAL AGENCIES**

The Tuolumne County Superintendent of Schools Office recognizes the importance of collaborating and communicating with other local agencies in order to provide the best possible school/program facilities and to allocate facility resources in an effective and efficient manner. The County Office staff shall consult and coordinate with local agencies as required by law and whenever the expertise and resources of these agencies can assist the County Office in the planning, design and construction of facilities.

Following notification by a city or county of proposed action to adopt or substantially revise a general plan, the County Office may request a meeting with the local planning agency to discuss possible methods of coordinating planning, design and construction of new County Office facilities and school/program sites. (Government Code 65352.2)

The Tuolumne County Superintendent of Schools or designee shall monitor land development proposals within County boundaries and shall ensure that an exchange of accurate information is maintained with city/county planning staff regarding the impact of land development on the County Office's educational programs and facility needs.

*(cf. 7150 - Site Selection and Development)*

Recognizing that available funds may not suffice to eliminate overcrowding in school/program sites caused by new development, the County Office urges the city/county to adopt in its general plan or other appropriate planning documents, to the extent permitted by law, a provision which ensures that adequate school/program facilities will be available.

*(cf. 7210 - Facilities Financing)*

*(cf. 7211- Developer Fees)*

**Notifications to Other Local Agencies**

The County Superintendent shall notify the city council or county board of supervisors whenever it finds, based on clear and convincing evidence: (Government Code 65971)

1. That conditions of overcrowding exist in one or more attendance areas within the County Office which will impair the normal functioning of the educational programs, and the reason for the existence of those conditions
2. That all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing those conditions exists

The above notice shall specify the mitigation measures considered by the County Office and shall include a completed application to the Office of Public School Construction for preliminary determination of eligibility for school/program site construction under applicable state law. (Government Code 65971)

**RELATIONS WITH LOCAL AGENCIES** (continued)

The County Superintendent or designee shall notify the appropriate city or county planning agency of the adoption of a school/program site facility needs analysis or facilities master plan, the acquisition of a school/program site, or other action regarding school/program facilities in accordance with law.

(cf. 7110 - Facilities Master Plan)

*Legal Reference:*

EDUCATION CODE

17280-17316 Approval of plans and supervision of construction

35275 New school planning; cooperation with recreation and park authorities

GOVERNMENT CODE

53090-53097.5 Compliance with city or county regulations

65300-65307 Authority for and scope of general plans

65352.2 Communication between cities, counties and school districts

65850-65863.11 Adoption of regulations

65970-65981 School facilities

65995-65998 Developer fees

PUBLIC RESOURCES CODE

21000-21177 California Environmental Quality Act of 1970

CODE OF REGULATIONS, TITLE 5

14010 Procedure for site acquisition

CODE OF REGULATIONS, TITLE 14

15000-15285 Implementation of California Environmental Quality Act of 1970

*Management Resources:*

WEB SITES

Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

CDE, School Facilities Division: <http://www.cde.ca.gov/facilities>

**ARCHITECTURAL AND ENGINEERING SERVICES**

In order to ensure safe construction and protect the investment of public funds, the Tuolumne County Superintendent of Schools Office requires that a licensed and certified architect or structural engineer be employed to design and supervise the construction of County Office school/program sites and other facilities.

The Tuolumne County Superintendent of Schools or designee shall devise a competitive process for the selection of architects and structural engineers that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, he/she shall recommend specific architectural and engineering firms to the County Office. The County Office shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The County Office need not select the lowest responsible bidder.

*(cf. 3311 - Bids)*

*Legal Reference:*

EDUCATION CODE

*17070.50 Conditions for apportionment*

*17280-17316 Approvals, especially:*

*17302 Persons qualified to prepare plans, specifications and estimates and supervise construction*

*17316 Contract provision re school district property*

*17371 Limitation on liability of governing board*

GOVERNMENT CODE

*4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms*

*14837 Definition of small business*

*87100 Public officials; financial interest*

PUBLIC CONTRACT CODE

*20111 School district contracts*

**ARCHITECTURAL AND ENGINEERING SERVICES**

The Tuolumne County Superintendent of Schools Office shall engage the services of a licensed architect(s) holding a valid certificate or engineer(s) holding a valid certificate for the preparation of plans, specifications or estimates for any construction project, through a signed contract. (Education Code 17302)

*(cf. 3312 - Contracts)*

Contractors for any architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Tuolumne County Superintendent of Schools or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. Ensures that projects entail maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibits County Office employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

*(cf. 9270 - Conflict of Interest)*

The selection process may also include: (Government Code 4527)

1. Detailed evaluations of current statements of prospective contractors' qualifications and performance data
2. Discussion of alternative approaches for furnishing the services with at least three firms
3. Selection of at least three firms deemed to be the most highly qualified to provide the required services, in accordance with established criteria and recommended in order of preference

Contracts shall specify that all plans, specifications and estimates prepared by the contractor shall become the property of the County Office. (Education Code 17316)

**SITE SELECTION AND DEVELOPMENT**

The Tuolumne County Superintendent of Schools Office believes that a school/program site should serve the County Office's educational needs in accordance with the County Office's master plan as well as show potential for contributing to other community needs.

*(cf. 7110 - Facilities Master Plan)*

The County Superintendent recognizes the importance of community input in the site selection process. To this end, the County Office will solicit community input whenever a school/program site is to be selected and shall provide public notice and hold public hearings in accordance with law.

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 9320 - Meetings and Notices)*

The County Superintendent or designee shall establish a site selection process which complies with law and ensures that the best possible sites are acquired and developed in a cost-effective manner.

*(cf. 7140 - Architectural and Engineering Services)*  
*(cf. 7210 - Facilities Financing)*

Before acquiring property for a new school/program site or an addition to an existing County Office site, the County Board shall evaluate the property at a public hearing using state site selection standards. (Education Code 17211)

**Environmental Impact Investigation for the Site Selection Process**

The County Superintendent or designee shall determine whether any proposed development project is subject to the requirements of the California Environmental Quality Act (CEQA) and shall ensure compliance with this Act whenever so required. When evaluating County Office projects, the CEQA guidelines shall be used.

**Agricultural Land**

If the proposed site is in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the County Office shall determine all of the following: (Education Code 17215.5)

1. That the County Office has notified and consulted with the city, county, or city and county within which the prospective site is to be located
2. That the County Office has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land

**SITE SELECTION AND DEVELOPMENT (continued)**

3. That the County Office shall attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect students and employees at the site

*Legal Reference:*

EDUCATION CODE

17006 Definition of self-certifying district

17024 Prior written approval of CDE for selection of school site or construction of building

17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998

17210-17224 General provisions (school sites)

17240-17245 New Schools Relief Act

17250.10-17250.50 Design-build contracts

17251-17253 Powers concerning buildings and building sites

17260-17268 Plans

17280-17317 Approvals

17565-17592.5 Board duties re management and control of school property

35271 Power to acquire and construct on adjacent property

35275 New school planning and design, re consultation with local recreation and park authorities

CODE OF CIVIL PROCEDURE

1263.710-1263.770 Remediation of hazardous substances on property to be acquired by school district

GOVERNMENT CODE

53094 Authority to render zoning ordinances inapplicable

65402 Acquisition or disposition of property

65995-65997 Developer fees

66455.9 Written notices of proposed public school site within development; investigation and report; conditions for acquisition

HEALTH AND SAFETY CODE

44360 Risk assessment

PUBLIC RESOURCES CODE

21000-21177 Implementation of Environmental Quality Act

CODE OF REGULATIONS, TITLE 5

14001-14036 Minimum standards

CODE OF REGULATIONS, TITLE 14

15000-15209 Review and evaluation of EIRs and negative declarations

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.Atty.Gen. 130 (1999)

*Management Resources:*

WEB SITES

CDE, School Facilities Planning Division: <http://www.cde.ca.gov/dmsbranch/sfpdiv>

Office of Public School Construction: <http://www.opsc.dgs.ca.gov/>

**SITE SELECTION AND DEVELOPMENT**

As part of the County Office's site selection process, the Tuolumne County Superintendent of Schools or designee shall:

1. Meet with appropriate local government recreation and park authorities to review all possible methods of coordinating the planning, design, and construction of new County Office facilities and school/program site or major additions to existing school/program facilities and recreation and park facilities in the community. (Education Code 35275)

*(cf. 7131 - Relations with Local Agencies)*

2. Notify the appropriate local planning agency in writing and request its report and recommendations regarding the proposed site or proposed addition's conformity with the adopted general plan. (Government Code 65402; Public Resources Code 21151.2)
3. Have the site investigated by competent personnel with regard to population trends, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting initial and operating costs. This investigation shall include geological and soil engineering studies to preclude locating the school/program site on terrain that has the potential for earthquake or other geologic hazard damage as specified in Government Code 65302. (Education Code 17212-17212.5)
4. As necessary, request information necessary or useful to assess and determine the safety of a proposed school/program site, or an addition to an existing school/program site, from a person, corporation, public utility, locally publicly owned utility, or governmental agency regarding pipelines, electric transmission and distribution lines, railroads, and storage tanks in accordance with law. (Education Code 17212.2, 17251)
5. Ensure that the site meets state standards for school/program site selection as specified in 5 CCR 14010-14012.
6. Ensure compliance with the California Environmental Quality Act (CEQA) as required by law. (Public Resources Code 21000-21177)
7. If the proposed site is within two miles of the air line of an airport runway or proposed runway, before acquiring title to or leasing the site, notify the California Department of Education in writing. (Education Code 17215)

**SITE SELECTION AND DEVELOPMENT** (continued)

8. If the proposed site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, conduct an air quality analysis pursuant to Health and Safety Code 44360 and Education Code 17213 and determine that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to students. (Education Code 17213)

In the selection and development of projects funded pursuant to the School Facilities Program of 1998 (Proposition 1A) as contained in Education Code 17070.10-17077.10, the County Superintendent or designee shall:

1. Determine whether the proposed site is free of toxic contamination by ensuring that a Phase I environmental assessment and/or preliminary endangerment assessment is conducted as required by law (Education Code 17213.1)

The County Superintendent or designee shall ensure that the preliminary endangerment assessment is made available for public review and comment in accordance with Education Code 17213.1.

2. Annually submit a summary report of expenditures to the State Allocation Board in accordance with law (Education Code 17076.10)
3. Include in the plans a hard-wired connection to a public switched telephone network or utilization of wireless technology (Education Code 17077.10)
4. Establish a participation goal of at least three percent, per year, of the overall dollar amount expended each year by the County Office for disabled veteran business enterprises (Education Code 17076.11)

**FACILITIES FINANCING**

When it is determined that school/program site facilities must be built or expanded to accommodate a increased or projected increased enrollment, the Tuolumne County Superintendent of Schools Office shall consider appropriate methods of financing for the purchase of school/program site sites and the construction of buildings. In addition, financing may be needed when safety considerations and educational program improvements require the replacement, reconstruction or modernization of existing facilities.

The Tuolumne County Superintendent of Schools or designee shall research funding alternatives and recommend to the County Board the method that would best serve County Office needs as identified in the County Office's master plan for school facilities.

*(cf. 7110 - Facilities Master Plan)*

These funding alternatives may include, but not be limited to:

1. Levying developer fees pursuant to Education Code 17620 and Government Code 65995-65998

*(cf. 7211- Developer Fees)*

2. Forming a community facilities district pursuant to Government Code 53311-53368.3, the Mello-Roos Community Facilities Act

*(cf. 7212 - Mello-Roos Districts)*

3. Forming a school facilities improvement district pursuant to Education Code 15300-15425

*(cf. 7213 - School Facilities Improvement Districts)*

4. Issuing voter-approved general obligation bonds
5. Imposing a qualified parcel tax pursuant to Government Code 50079
6. Using lease revenues for capital outlay purposes from surplus school property

*Legal Reference: (see next page)*

**FACILITIES FINANCING** (continued)

*Legal Reference:*

EDUCATION CODE

15100-17059.2 *School bonds, especially:*

15122.5 *Ballot statement*

15300-15425 *School facilities improvement districts*

17000-17059.2 *State School Building Lease-Purchase Law of 1976*

17060-17066 *Joint venture school facilities construction projects*

17070.10-17076.10 *Leroy F. Greene School Facilities Act of 1998*

17085-17095 *State Relocatable Classroom Law of 1979*

17582 *District deferred maintenance fund*

17620-17626 *Levies against development projects by school districts especially:*

17621 *Procedures for levying fees*

GOVERNMENT CODE

6061 *One time notice*

6066 *Two weeks' notice*

50075-50077 *Voter-approved special taxes*

50079 *School districts; qualified special taxes*

53175-53187 *Integrated Financing District Act*

53311-53368.3 *Mello-Roos Community Facilities Act of 1982*

53753 *Assessment notice and hearing requirements*

53753.5 *Exemptions*

54954.1 *Mailed notice to property owners*

54954.6 *New or increased tax or assessment; public meetings and hearings; notice*

65864-65867 *Development agreements*

65970-65980.1 *School facilities development project*

65995-65998 *Payment of fees against a development project*

66000-66008 *Fees for development projects*

66016-66018.5 *Development project fees*

66020-66025 *Protests and audits*

HEALTH AND SAFETY CODE

33445.5 *Overcrowding of schools resulting from redevelopment*

33446 *School construction by redevelopment agency*

CALIFORNIA CONSTITUTION

Article 13D, Sections 1-6 *Assessment and property related fee reform*

UNCODIFIED STATUTES

17696-17696.98 *Greene-Hughes School Building Lease-Purchase Bond Law of 1986*

CODE OF REGULATIONS, TITLE 2

1859-1859.106 *School facility program*

*Legal Reference continued: (see next page)*

**FACILITIES FINANCING** (continued)

*Legal Reference: (continued)*

COURT DECISIONS

*Loyola Marymount University v. Los Angeles Unified School District* (1996) 45 Cal.App.4th 1256

*Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854

*Dolan v. City of Tigard* (1994) 114 S.Ct. 2309

*Canyon North Co. v. Conejo Valley Unified School District* (1993) 19 Cal.App.4th 243, 23 Cal.Rptr.2d 495

*Garlic Development Co. v. Hayward Unified School District* (1992) 3 Cal.App.4th 320, 4 Cal.Rptr.2d 897

*Nollan v. California Coastal Commission* (1987) 107 S.Ct. 3141

ATTORNEY GENERAL OPINIONS

79 *Ops.Cal.Atty.Gen.* 149 (1996)

*Management Resources:*

WEB SITES

*Department of General Services, Office of Public School Construction: <http://www.dgs.ca.gov/opsc/>*

**GENERAL OBLIGATION BONDS**

The Tuolumne County Superintendent of Schools Office desires to provide adequate facilities in order to enhance student learning and to help the County Office achieve its vision for educating County Office students. To that end, the County Board may order an election on the question of whether bonds shall be issued for school/program site facilities when, in the County Office's judgment, it is advisable and in the best interest of County Office students.

*(cf. 1160 - Political Processes)*  
*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7210 - Facilities Financing)*

The County Office shall determine the appropriate size of the bond in accordance with law.

**Bonds Requiring 55 Percent Approval by Local Voters**

The County Board may decide to pursue the authorization and issuance of bonds by approval of 55 percent majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the County Board agree to such an election, the County Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 percent majority of the voters. (Education Code 15266)

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the county are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the County Office shall be used only for the construction, reconstruction, rehabilitation, or replacement of school/program facilities, including the furnishing and equipping of school/program facilities, or the acquisition or lease of real property for school/program facilities. (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))

1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified above, as detailed in California Constitution Article 13A, Section 1(b)(3), and not for any other purposes including teacher and administrative salaries and other school/program site operating expenses
2. A list of specific school/program facility projects to be funded and certification that the County Office has evaluated safety, class size reduction, and information technology needs in developing that list

*(cf. 0440 - District Technology Plan)*  
*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 6151 - Class Size)*

**GENERAL OBLIGATION BONDS** (continued)

3. A requirement that the County Office conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed
4. A requirement that the County Office conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school/program facilities projects

**Bonds Requiring 66.67 Percent Approval by Local Voters**

Bonds shall be sold to raise money for the following purposes: (Education Code 15100)

1. Purchasing school/program site lots
2. Building or purchasing County Office buildings
3. Making alterations or additions to County Office building(s) other than as may be necessary for current maintenance, operation, or repairs
4. Repairing, restoring, or rebuilding any County Office building damaged, injured, or destroyed by fire or other public calamity
5. Supplying County Office buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
6. Permanently improving County Office grounds
7. Refunding any outstanding valid indebtedness of the County Office, evidenced by bonds or state school building aid loans
8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
9. Purchasing school buses with a useful life of at least 20 years
10. Demolishing or razing any County Office building with the intent to replace it with another County Office building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the County Board and entered into the minutes. (Education Code 15100)

**GENERAL OBLIGATION BONDS (continued)**

*Legal Reference:*

EDUCATION CODE

7054 *Use of district property, campaign purposes*

15100-15254 *Bonds for school districts and community college districts*

15264-15288 *Strict Accountability in Local School Construction Bonds Act of 2000*

17577 *Sewers and drains*

47614 *Charter school facilities*

ELECTIONS CODE

324 *General election*

328 *Local election*

341 *Primary election*

348 *Regular election*

356 *Special election*

357 *Statewide election*

1302 *School district election*

15372 *Elections official certificate*

GOVERNMENT CODE

1090-1099 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

8855 *California Debt and Investment Advisory Commission*

53580-53595.5 *Bonds*

54952 *Definition of legislative body, Brown Act*

CALIFORNIA CONSTITUTION

Article 13A, Section 1 *Tax limitation*

Article 16, Section 18 *Debt limit*

COURT DECISIONS

*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District*, (2006) 139 Cal.App.4<sup>th</sup> 1356

ATTORNEY GENERAL OPINIONS

88 *Ops.Cal.Atty.Gen.* 46 (2005)

87 *Ops.Cal.Atty.Gen.* 157 (2004)

*Management Resources:*

WEB SITES

CSBA: <http://www.csba.org>

CSBA, *District and Financial Services, Proposition 39 Bond Performance Audit Program:*

<http://www.csba.org/ds/prop39.cfm>

California Department of Education: <http://www.cde.ca.gov>

California Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

**GENERAL OBLIGATION BONDS**

**Election Notice**

The Tuolumne County Superintendent of Schools or designee shall ensure that election notice and ballot requirements are satisfied in accordance with Education Code 15120-15126 and 15272.

**Certificate of Results**

If it appears from the certificate of election results that the appropriate majority of the voters are in favor of issuing the bonds, the Tuolumne County Board of Education shall cause an entry of that fact to be made in its minutes. The County Board shall then certify to the board of supervisors of the county which has jurisdiction over the County Office all proceedings had in connection with the election results. (Education Code 15124, 15274)

*(cf. 9324 - Board Minutes and Recordings)*

**Resolution Regarding Sale of Bonds**

Following passage of the bond measure, the County Board shall pass a resolution to issue the sale of bonds. The resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds. (Education Code 15140)

Prior to the sale of bonds, the County Office shall adopt, as an agenda item at a public meeting, another resolution, which includes all of the following items: (Education Code 15146)

1. Express approval of the method of sale
2. Statement of the reasons for the method of sale selected
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the County Office shall disclose their identities at the public meeting occurring after they have been selected
4. Estimates of the costs associated with the bond issuance

After the sale, the County Office shall be presented with the actual cost information and shall disclose that information at the County Board next scheduled meeting. The County Office shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission. (Education Code 15146)

**GENERAL OBLIGATION BONDS** (continued)

**Citizens' Oversight Committee**

If a County Office general obligation bond requiring a 55 percent majority is approved by the voters, the County Office shall appoint an independent citizens' advisory oversight committee. This committee shall be appointed within 60 days of the date that the County Office enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

The citizens' oversight committee shall consist of at least seven members including, but not limited to: (Education Code 15282)

1. One member active in a business organization representing the business community located within the County Office
2. One member active in a senior citizens organization
3. One member active in a bona fide taxpayers' organization
4. One member who is a parent/guardian of a child enrolled in the County Office school
5. One member who is a parent/guardian of a child enrolled in the County Office and is active in a parent-teacher organization, such as the Parent Teacher Association or school/program site council

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1230 - School-Connected Organizations)*

No employee, official, vendor, contractor, or consultant of the County Office shall be appointed to the citizens' oversight committee. (Education Code 15282)

Members of the citizens' oversight committee shall serve for a term of two years without compensation and for no more than two consecutive terms. (Education Code 15282)

The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school/program site construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section 1(b)(3) of the California Constitution including the construction, reconstruction, rehabilitation, or replacement of school/program facilities, including the furnishing and equipping of school/program facilities, or the acquisition or lease of real property for school/program facilities

**GENERAL OBLIGATION BONDS** (continued)

2. Ensuring that, as prohibited by Article 13A, Section 1(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school/program site operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance audit required by Article 13A, Section 1(b)(3)(C) of the California Constitution
2. Receiving and reviewing copies of the annual, independent financial audit required by Article 13A, Section 1(b)(3)(D) of the California Constitution
3. Inspecting school/program facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article 13(A), Section 1(b)(3) of the California Constitution
4. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the County Office, including any reports required by Education Code 17584.1
5. Reviewing efforts by the County Office to maximize bond revenues by implementing cost-saving measures including, but not limited to, the following:
  - a. Mechanisms designed to reduce the costs of professional fees
  - b. Mechanisms designed to reduce the costs of site preparation
  - c. Recommendations regarding the joint use of core facilities
  - d. Mechanisms designed to reduce costs by incorporating efficiencies in school/program site design
  - e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

*(cf. 7110 - Facilities Master Plan)*

The County Office shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the committee's purpose and sufficient resources to publicize the committee's conclusions. (Education Code 15280)

**GENERAL OBLIGATION BONDS** (continued)

All oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the County Board. Committee meetings shall be subject to the provisions of the Ralph M. Brown Act. (Education Code 15280; Government Code 54952)

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 9320 - Meetings and Notices)*

The oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the County Office's web site. (Education Code 15280)

*(cf. 1340 - Access to District Records)*  
*(cf. 9324 - Minutes and Recordings)*

Members of the oversight committee shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1098. (Education Code 15282)

*(cf. 9270 - Conflict of Interest)*

**Reports**

Within 30 days after the end of each fiscal year, the County Office shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness, or other indebtedness involved
2. The percentage of registered electors who voted at the election
3. The results of the election, with the percentage of votes cast for and against the proposition

**NAMING OF FACILITY**

The Tuolumne County Superintendent of Schools Office shall name schools or individual buildings in recognition of:

1. Individuals, living or deceased, who have made outstanding contributions to the county or community
2. Individuals, living or deceased, who have made contributions of state, national or worldwide significance
3. The geographic area in which the school/program site or building is located

The County Board encourages community participation in the process of selecting names. A citizen advisory committee shall be appointed to review name suggestions and submit recommendations for the County Boards consideration.

*(cf. 1220 - Citizen Advisory Committees)*

The renaming of existing school/program sites or major facilities shall occur only under extraordinary circumstances and after thorough study.

**Memorials**

Upon request, the County Board shall consider naming buildings, parts of buildings or athletic fields in honor of the contributions of students, staff members and community members who have been deceased for at least one year.

*Legal Reference:*

EDUCATION CODE  
*35160 Authority of governing boards*