

**BOARD OF EDUCATION OF THE  
ALBANY UNIFIED SCHOOL DISTRICT  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA**

**RESOLUTION NO. 2023-24-28**

**RESOLUTION ORDERING SCHOOL BOND ELECTION  
AND AUTHORIZING NECESSARY ACTIONS IN  
CONNECTION THEREWITH**

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WHEREAS, Albany Unified School District (the “District”) provides its students with a high-quality education and prepares students for college and careers; and

WHEREAS, voters of the District have recently approved Measure G, a parcel tax measure adopted on March 5, 2024, and have previously approved Measure J, a parcel tax measure adopted on November 3, 2009, (collectively, the “Parcel Tax Measures”), and the Parcel Tax Measures primarily finance ongoing programs and operations of the District as specified within each Parcel Tax Measure, and include such items as compensation for District employees (not including administrative staff), health and welfare benefits, and materials and supplies; and

WHEREAS, general obligation bond measures of the District cannot be used to finance the maintenance and operations of the District, but are limited to the financing of capital expenditures of the District, such as construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities; and

WHEREAS, school facilities within the District require renovation, including updating classrooms and ensuring access to facilities for students with disabilities, to protect the health and safety of every student within the District; and

WHEREAS, the District has aging portable classrooms that are deteriorating and beyond their useful life, no longer meeting safety and instructional standards; and

WHEREAS, old heating, cooling, ventilation, and electrical systems need to be replaced, and classrooms need to be updated to meet current student safety and educational standards; and

WHEREAS, the cost of making the updates and upgrades that District schools need is beyond the scope of the District’s annual operating budget; and

WHEREAS, funds from a bond measure would go exclusively to the District, be controlled locally and would not be subject to control by the State of California (the “State”); and

WHEREAS, while some of the District’s schools have been upgraded with funds from past voter-approved school facility improvement bond measures, others have not, and additional improvements are needed to ensure all students attend class in safe and modern schools; and

WHEREAS, local funding from a school facilities improvement bond measure would be used to improve and construct classrooms, facilities and infrastructure; and

WHEREAS, the Board of Education (the “Board”) of the District, located within the County of Alameda (the “County”) is authorized to order elections within the District and to designate the specifications thereof, pursuant to Sections 5304 and 5322 of the Education Code of the State of California (the “Education Code”); and

WHEREAS, the Board is specifically authorized to order elections for the purpose of submitting to the electors the question of whether bonds of the District shall be issued and sold for the purpose of raising money for the purposes authorized pursuant to Education Code Sections 15100 et seq.; and

WHEREAS, under paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the Constitution of the State of California (the “California Constitution”) and subdivision (b) of Section 18 of Article XVI of the California Constitution, and Section 15266 of the California Education Code, the Board is further authorized, pursuant to a two-thirds vote and subject to Section 15100 of the California Education Code, to seek approval of bonds and levy an *ad valorem* tax to repay those bonds upon a 55% vote of the voters of the District voting on the measure for the purposes hereinafter specified, provided certain accountability requirements are included in the measure, including (a) that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b)(3) of the California Constitution, and not for any other purpose, including teacher and administrator salaries and other school operating expenses, (b) that a list of the specific school facilities projects to be funded be included and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list, (c) that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed, and (d) that the Board 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 facilities projects; and

WHEREAS, the Board deems it necessary and advisable to submit such a bond measure to the electors, which, if approved by at least 55% of the votes cast, would permit the District to issue its bonds; and

WHEREAS, the Board has evaluated the facilities needs of the District to determine which projects to finance from a local bond at this time; and

WHEREAS, in order to address the facilities needs of the District, the Board deems it necessary and advisable to fund the specific school facilities projects listed under the heading entitled “BOND PROJECT LIST” included in the full text of the bond measure set forth in Exhibit A attached hereto (the “Bond Project List”); and

WHEREAS, the Board has determined that the projects listed on the Bond Project List are authorized to be financed with bonds of the District under subsection (a) of Section 15100 of the Education Code and are for purposes specified in Article XIII A, Section 1(b)(3) of the California Constitution, and not for any other purpose, including teacher and administrator salaries and other school operating expenses; and

WHEREAS, in accordance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, and as provided in the full text of the bond measure, the Board has evaluated safety, class size reduction and information technology needs in developing the Bond Project List; and

WHEREAS, in accordance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, and as provided in the full text of the bond measure, annual, independent performance and financial audits shall be required as part of the bond measure; and

WHEREAS, pursuant to Section 15278 of the Education Code, if a bond measure is authorized in accordance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution, the Board must establish and appoint members to an independent citizens' oversight committee to ensure that (a) bond revenues are expended only for the purposes specified in Article XIII A, Section 1(b)(3) of the California Constitution, and (b) that no funds are used for any teacher or administrative salaries or other school operating expenses; and

WHEREAS, in accordance with Section 15278 of the Education Code, and as provided in the full text of the bond measure, an independent citizens' oversight committee shall be required as part of the bond measure; and

WHEREAS, a bond election authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution, must be conducted concurrent with a statewide primary election, general election or special election, or at a regularly scheduled local election at which all of the electors of the District are entitled to vote, as required by Section 15266 of the California Education Code; and

WHEREAS, on November 5, 2024, a statewide general election is scheduled to be conducted throughout the District; and

WHEREAS, subsection (c) of Section 15100 of the Education Code provides that, before the Board may order an election pursuant to Education Code Sections 15100 et seq., it shall obtain reasonable and informed projections of assessed property valuations that take into consideration projections of assessed property valuations made by the county assessor; and

WHEREAS, although the County Assessor does not make projections of assessed property valuations, the Board has been presented with projections of assessed property valuations of the property within the boundaries of the District in connection with developing the bond measure that take into consideration, among other things, the long-term historical average growth rates of assessed property valuations of the property within the boundaries of the District and the Board finds those projections to be reasonable and informed; and

WHEREAS, the Board has determined that, based upon such projections of assessed property valuation, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the maximum tax rate permitted by Section 15270 of the Education Code; and

WHEREAS, in accordance with Article XVI of the California Constitution, the District may only issue bonds where the tax rate levied to repay such bonds, in addition to any other bonds issued under the same election authorization, would not exceed \$60 per year per \$100,000 of assessed valuation of taxable property, when such assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution;

WHEREAS, current estimates place the maximum projected tax rate levied to meet the debt service requirements of the bonds at approximately \$60 per year per \$100,000 of assessed valuation of taxable property, in accordance with Article XIII A and Article XVI of the California Constitution; and

WHEREAS, District voters have previously approved bond measures in March 1993, November 2004, February 2008, and two measures in June 2016, with bonds that are still outstanding, and the aggregate tax rate for the previous measures totaled \$180 per \$100,000 of assessed value for fiscal year 2023-24; and

WHEREAS, due to the continued repayment of bonds issued under the prior bond measures and in the interest of continued financial stewardship of taxpayer dollars, the District expects that the issuance of bonds under a new school facilities improvement bond measure will not result in an increase in the tax rate above the level already approved by voters for past bond measures, totaling \$180 per \$100,000 of assessed value; and

WHEREAS, Section 9400 et seq. of the Elections Code of the State of California (the “Elections Code”) requires that a tax rate statement be contained in all official materials, including any voter information guide prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, the Board now desires to authorize the filing of a ballot argument in favor of the bond measure to be submitted to the voters at the election; and

WHEREAS, the District expects to pay certain expenditures (the “Reimbursement Expenditures”) in connection with the projects listed in the Bond Project List prior to financing the costs associated with such projects on a long-term basis; and

WHEREAS, the District reasonably expects that certain of the proceeds of the bonds proposed to be issued under the bond measure, if approved by voters, will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, Section 1.150-2 of the Treasury Regulations requires the District to declare its reasonable official intent to reimburse prior expenditures for the projects listed in the Bond Project List with proceeds of a subsequent borrowing; and

WHEREAS, if any project to be funded by the bonds will require State matching grant funds for any phase, the sample ballot must contain a statement, in the form prescribed by law, advising the voters that such project is subject to the approval of State matching funds and, therefore, passage of the bond measure is not a guarantee that the project will be completed, and the Board finds that completion of all or a portion of the projects listed in the Bond Project List may require State matching grant funds for one or more phases thereof;

NOW, THEREFORE, be it resolved, determined and ordered by the Board of Education of the Albany Unified School District as follows:

1. Recitals. All of the above recitals are true and correct, and the Board so finds.

2. Specifications of Election Order. Pursuant to Education Code Sections 5304, 5322, 15100 *et seq.*, and 15266, and paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution, a special election shall be held within the boundaries of the District on November 5, 2024, for the purpose of submitting to the registered voters of the District the bond measure contained in Exhibit A attached hereto and incorporated herein. In accordance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, and as provided in the full text of the bond measure, the Board hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

3. Conduct of Election. (a) *Request to County Officers*. Pursuant to Section 5303 of the Education Code, the Registrar of Voters of the County (the “Registrar of Voters”) is required to, and is hereby requested to, take all steps to hold the election in accordance with law and these specifications.

(b) *Abbreviation of Measure*. Pursuant to Section 13247 of the Elections Code and Sections 5322 and 15122 of the Education Code, the Board hereby directs the Registrar of Voters to use the following statement of the bond measure on the ballot:

*“To improve and construct safe, modern classrooms, restrooms, and community and arts facilities; renovate cafeterias/dining areas, and outdoor spaces; replace outdated portables with new classrooms; update aging electrical, heating/cooling systems, and roofs; shall Albany Unified School District’s measure be adopted authorizing \$63,800,000 in bonds at legal rates, levy approximately \$60 per \$100,000 of assessed value, raising approximately \$4,210,000 annually while bonds are outstanding, with independent oversight, audits and all funds staying local?”*

*[75 words]*

(c) *Voter Pamphlet*. The Registrar of Voters is hereby requested to reprint the full text of the bond measure as set forth in Exhibit A in its entirety in the voter information guide to be distributed to voters.

(d) *State Matching Funds.* The District hereby requests that the Registrar of Voters include the following statement in the sample ballot, pursuant to Section 15122.5 of the Education Code:

*“Approval of Measure \_\_\_ does not guarantee that the proposed project or projects in the Albany Unified School District that are the subject of bonds under Measure \_\_\_ will be funded beyond the local revenues generated by Measure \_\_\_. The District’s proposal for the project or projects may assume the receipt of matching State funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.”*

(e) *Consolidation Requirement.* Pursuant to Section 15266(a) of the Education Code, the election shall be consolidated with the statewide general election on November 5, 2024, and pursuant to Education Code Section 5342 and Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the Registrar of Voters and the Board of Supervisors of the County are hereby requested to order consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same. The District hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed by Section 10418 of the Elections Code.

(f) *Canvass of Results.* The Board of Supervisors of the County is authorized and requested to canvass the returns of the election, pursuant to Section 10411 of the Elections Code.

(g) *Required Vote.* Pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, the bond measure shall become effective upon the affirmative vote of at least 55% of the voters of the District voting on the measure.

(h) *Election Costs.* The District shall pay all costs of the election approved by the Board of Supervisors of the County pursuant to Education Code Section 5421.

4. Delivery of Order of Election to County Officers. The Clerk of the Board of the District is hereby directed to cause to be filed as soon as practicable, and in any event no later than August 9, 2024 (which date is not fewer than 88 days prior to the date set for the election), one copy of this Resolution to the Registrar of Voters, including the tax information statement attached hereto as Exhibit B, containing the information required by Elections Code Section 9400 et seq., completed and signed by the Superintendent of the District, with such technical corrections or additions as deemed necessary by the Superintendent of the District, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of the County. With respect to the tax information statement attached hereto as Exhibit B, the Board hereby adopts the procedures set forth in Elections Code Section 9405.

5. Ballot Arguments. The President of the Board, or any member or members of the Board as the President shall designate, are hereby authorized, but not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the bond measure and a rebuttal argument to the argument against the bond measure, if any, within the time established

by the Registrar of Voters, which shall be considered the official ballot argument of the Board as sponsor of the bond measure.

6. Declaration of Official Intent to Reimburse. The District hereby declares its official intent to use proceeds of the bonds proposed to be issued under the bond measure to reimburse itself for Reimbursement Expenditures. This declaration is made solely for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the District to make any expenditure, incur any indebtedness, or proceed with the projects listed in the Bond Project List.

7. Further Authorization. The members of this Board, the Superintendent of the District, the Chief Business Official of the District, and all other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this resolution in accordance with the terms hereof and of applicable provisions of law.

8. Effective Date; Required Vote. This Resolution shall take effect upon its adoption by a two-thirds vote of the Board.

PASSED AND ADOPTED this day, June 18, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

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President of the Board of Education of the  
Albany Unified School District

ATTEST:

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Secretary of the Board of Education of the  
Albany Unified School District

## EXHIBIT A

### FULL TEXT OF THE MEASURE

#### FULL TEXT BALLOT MEASURE OF THE ALBANY UNIFIED SCHOOL DISTRICT ELECTION NOVEMBER 5, 2024

**This Measure may be known and referred to as the “Albany Unified School District Modernization and Improvement Measure” or as “Measure \_\_\_\_”. [letter designation to be assigned by County Registrar of Voters]**

### FINDINGS

Albany Unified School District (the “District”) provides its students with a high-quality education and prepares students for college and careers.

Voters of the District have recently approved Measure G, a parcel tax measure adopted on March 5, 2024, and have previously approved Measure J, a parcel tax measure adopted on November 3, 2009, (collectively, the “Parcel Tax Measures”), and the Parcel Tax Measures primarily finance ongoing programs and operations of the District as specified within each Parcel Tax Measure, and include such items as compensation for District employees (not including administrative staff), health and welfare benefits, and materials and supplies.

General obligation bond measures of the District cannot be used to finance the maintenance and operations of the District, but are limited to the financing of capital expenditures of the District.

School facilities within the District require renovation, including updating classrooms and ensuring access to facilities for students with disabilities, to protect the health and safety of every student within the District.

The District has aging portable classrooms that are beyond their useful life, deteriorating and no longer meet safety and instructional standards.

Old heating, cooling, and electrical systems need to be replaced, and classrooms need to be updated to meet current student safety and educational standards.

The cost of making the updates and upgrades that District schools need is beyond the scope of the District’s annual operating budget.

Funds from a bond measure would go exclusively to the District, be controlled locally and would not be subject to control by the State of California (the “State”).



While some of the District's schools have been upgraded with funds from past voter-approved school facility improvement bond measures, others have not, and additional improvements are needed to ensure all students attend class in safe and modern schools.

Local funding from a school facilities improvement bond measure would be used to improve and construct classrooms, facilities and infrastructure.

District voters have previously approved bond measures in March 1993, November 2004, February 2008, and two measures in June 2016, with bonds that are still outstanding, and the aggregate tax rate for the previous measures totaled \$180 per \$100,000 of assessed value for fiscal year 2023-24.

## **BOND AUTHORIZATION**

By approval of this measure by at least 55% of the voters of the District voting on the proposition, the District shall be authorized to issue and sell bonds of up to \$63.8 million in aggregate principal amount to provide financing for the specific school facilities projects listed under the heading entitled “BOND PROJECT LIST” below (the “Bond Project List”), and in order to qualify to receive State matching grant funds, subject to all of the accountability safeguards specified below.

## **ACCOUNTABILITY SAFEGUARDS**

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

Evaluation of Needs. The Board of Education of the District (the “Board”) has evaluated the facilities needs of the District to determine which projects to finance from a local bond at this time. To address the facilities needs of the District, the Board deems it necessary and advisable to fund the specific school facilities projects listed in the Bond Project List. The Board hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

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

Independent Citizens’ Oversight Committee. In accordance with and pursuant to California Education Code Section 15278 *et seq.*, the Board shall establish an independent citizens’ oversight committee, within 60 days of the date that the Board enters the election results on its minutes pursuant to Section 15274 of the California Education Code, to ensure that (a) bond revenues are expended only for the purposes specified in Article XIII A, Section 1(b)(3) of the California Constitution, and (b) that no funds are used for any teacher or administrative salaries or other school operating expenses. In accordance with Section 15282 of the California Education Code, the citizens’ oversight committee shall consist of at least seven members and shall include a member active in a business organization representing the business community located within the District, a member active in a senior citizens’ organization, a member active in a bona fide taxpayers’ organization, a member that is a parent or guardian of a child enrolled in the District, and a member that is both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization. The District may decide that the current Measure B

Oversight Committee and/or the Measure E Oversight Committee shall simultaneously serve as the Oversight Committee for this measure. No employee or official of the District and no vendor, contractor or consultant of the District shall be appointed to the citizens' oversight committee.

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

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

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

## **FURTHER SPECIFICATIONS**

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

Joint Use. The District may enter into agreements with the County of Alameda (the "County") or other public agencies or nonprofit organizations for joint use of the school facilities financed with the proceeds from the sale of bonds authorized by this measure in

accordance with Education Code Section 17077.42 (or any successor provision). The District may seek State grant funds for eligible joint-use projects as permitted by law, and this measure hereby specifies and acknowledges that, subject to the limitations on the uses provided for herein, the proceeds from the sale of bonds authorized by this measure will or may be used to fund all or a portion of the local share for any eligible joint-use projects identified in the Bond Project List or as otherwise permitted by California State regulations, as the Board shall determine.

Bonds may be Issued in Excess of Statutory Bonding Limit. Issuance of all of the authorized bonds might require the outstanding debt of the District to exceed its statutory bonding limit of 2.50% of the total assessed valuation of taxable property in the District. In that event, the District intends to seek a waiver of its bonding limit from the State Board of Education, which has the power to waive certain requirements of the Education Code applicable to the District. By approval of this proposition, the voters have authorized the District to seek such a waiver, and to issue authorized bonds in excess of the 2.50% limit as the State Board of Education may approve. No such waiver has yet been sought or granted.

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

## **BOND PROJECT LIST**

The Bond Project List below lists the specific projects the District proposes to finance with proceeds of the bonds. The Bond Project List shall be considered a part of this bond measure and shall be reproduced in any official document required to contain the full statement of the bond measure. Listed projects will be completed as needed at a particular school or school facility site according to Board-established priorities, and the order in which such projects appear on the Bond Project List is not an indication of priority for funding or completion. Insofar as permitted by law, each project is assumed to include its share of costs of the election and bond issuance, construction-related costs, such as project and construction management, architectural, engineering, inspection and similar planning and testing costs, demolition and interim housing costs, legal, accounting and similar fees, costs related to the independent annual financial and performance audits, a contingency for unforeseen design and construction costs, and other costs incidental to or necessary for completion of the listed projects (whether the related work is performed by the District or third parties). The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. In addition, certain project funds expected from non-local bond sources, including State of California grant funds for eligible projects, have not yet been secured. Therefore, the Board cannot guarantee that the bond proceeds will provide sufficient funds to allow completion of all listed projects. Alternatively, if the District obtains unexpected funds from non-local bond sources with respect to listed projects, such projects may be enhanced, supplemented or expanded to the extent of such funds. Some projects may be subject to further government approvals, including by State officials and boards and/or local environmental or agency approval. Inclusion of a project on the Bond Project List is not a guarantee that the project will be completed (regardless of whether

bond funds are available). The Board has found and determined that all projects listed below are capital expenditures. Any project listed below may be accomplished by construction, reconstruction, rehabilitation or replacement, as applicable and as determined by the Board, and includes furniture or equipment related thereto. The District may also undertake demolition at a school facility. The District may acquire or replace furniture and equipment in connection with each project as necessary. Headings and subheadings in the Bond Project List are the types of projects the District intends to undertake and the projects that may be undertaken are not limited to the specifically enumerated projects listed thereunder.

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

DISTRICT WIDE PROJECTS
<p><b>The following projects are authorized to be financed at all school facilities sites District wide, including all current or future District sites.</b></p>
<ul style="list-style-type: none"> <li>● HVAC improvements, including, but not limited to systems designed to improve energy efficiency and air quality.</li> <li>● Electrical improvements, including, but not limited to energy management systems and renewable energy systems.</li> <li>● Interior improvements including, but not limited to, classrooms, science labs, career training facilities, visual and performing arts spaces, multi-use spaces, computer labs, mental health and wellness facilities, lighting, fire safety/emergency communication systems and other safety improvements (including, but not limited to security systems, door locking systems, fire alarm and sprinkler systems, fencing, video surveillance systems), facilities for special education students, restrooms, classroom equipment (including fixtures, furnishings and equipment necessary for science and technology education), custodial spaces.</li> <li>● Exterior improvements including, but not limited to, exterior finish and painting, doors and framing, windows, roofs, flooring, and compliance with local, state, and federal building, health, safety, access, and other compliance-related laws such as the Field Act and Americans with Disabilities Act.</li> <li>● Replace older inefficient mechanical and central controls systems with energy-efficient systems, and/or install systems to produce energy, store energy and/or reduce consumption.</li> <li>● Plumbing improvements including, but not limited to major systems such as sewers, boilers, pumps, and storage facilities.</li> <li>● Information technology improvements including, but not limited to, fixtures and equipment.</li> </ul>

- Site improvements, including, but not limited to parking, pick-up and drop-off areas, paving, ramps and stairs, shade and shelter (including but not limited to lunch canopies), lunch tables and benches, drinking fountains, inclusive play and playground equipment, landscaping, drainage, irrigation, fencing, and gates, soil stabilization, mitigation, grass areas, hydration stations.
- Earthquake-safety seismic upgrades for school sites.
- Library improvements including, but not limited to technology improvements and additional collections.
- Replacing or repairing portable classrooms.
- Kitchens, including, but not limited to, kitchen fixtures and equipment.
- Warehouse, storage, mechanical, and yard facilities.
- Athletic facilities improvements, including, but not limited to, fields, tracks, courts, and pools, locker rooms, lockers, gymnasias, and athletic equipment.
- Health offices, including health equipment and fixtures.
- Acquisition of student transportation vehicles or systems, including electric vehicles and support infrastructure.
- Staff work and lunch room facilities.
- Administrative offices, areas and buildings.
- Construction of school facilities on leased property, including on property owned by other public agencies for joint use with other public agencies.
- Acquisition or lease of real property, including acquiring clean title to leased assets, and/or prepayment of existing or future interim lease, certificate of participation or lease revenue bond financings, including certificates of participation.
- Acquisition and/or construction of teacher and/or workforce housing and related facilities.
- Refinance or retire debt on existing facilities and school sites, including but not limited to lease financing obligations secured by real property.

All or portions of these projects may be used as joint-use projects within the meaning of Section 17077.42(c) of the California Education Code (or any successor provision).

#### **MISCELLANEOUS**

#### **All listed bond projects include the following as needed:**

- Planning, designing and providing temporary housing necessary for listed bond projects.
- The inspection, sampling and analysis of grounds, buildings and building materials to determine the presence of hazardous materials or substances,

including asbestos, lead, etc., and the encapsulation, removal, disposal and other remediation or control of such hazardous materials and substances.

- Seismic and historical evaluations, site surveys (including topographic, geological and utility surveys), and infrastructure analyses.
- Necessary onsite and offsite preparation or restoration in connection with new construction, renovation or remodeling, or installation or removal of relocatable buildings or other temporary buildings, including demolition of structures; removing, replacing, or installing irrigation, drainage, utility lines (gas, water, sewer, electrical, data and voice, etc.), trees and landscaping; and relocating fire access roads or ingress/egress pathways.
- Address other unforeseen conditions revealed by construction, renovation or modernization (including plumbing or gas line breaks, dry rot, seismic and structural deficiencies, etc.).
- Acquire or construct other improvements required to comply with building codes, including seismic safety requirements, the Field Act, and access requirements.
- Acquisition of any rights-of-way, easements, licenses and/or real property made necessary by listed bond projects, or lease of real property made necessary by the listed bond projects.
- Acquire or construct storage facilities and other space on an interim basis, as needed to accommodate construction materials, equipment, and personnel.
- Furnishing and equipping of classrooms and other school facilities; furnishing and equipping shall include initial purchases, and scheduled and necessary replacements, upgrades and updating of technology.
- Acquisition of all or a portion of any school site or facility, or an interest therein, or make lease payments with respect to any school site or facility, encumbered in order to finance or refinance the listed school facilities projects.
- All other costs and work necessary or incidental to the listed bond projects.

#### **PROJECTS INVOLVING RENOVATION, REHABILITATION OR REPAIR**

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

**Incidental Work Authorized At All Sites**  
(at which Projects listed above are undertaken)

Each project listed above includes allocable costs such as election and bond issuance costs to the extent permitted by law; architectural, engineering, inspection and similar planning costs; construction management (whether by the District or a third-party); annual financial and performance audits; a contingency for unforeseen design and construction costs; litigation costs; and other costs necessary, incidental, or related to the completion of the listed projects and otherwise permitted by law, including but not limited to:

- Remove hazardous materials, e.g., asbestos, lead, etc., if necessary or desirable.
- Address unforeseen conditions revealed by construction/modernization (e.g., plumbing or gas line breaks, dry-rot, seismic, structural, etc.).
- Other improvements required to comply with building codes.
- Furnishing and equipping:
  - of newly constructed classrooms and facilities,
  - to replace worn/broken/out of date furniture and equipment.
- Acquisition of any of the facilities on the Bond Project List through temporary lease, lease-lease-back, or lease-purchase arrangements, execution of a purchase option under a lease for any of these authorized facilities, or prepayment of lease payments.
- Demolition of existing facilities and reconstruction of facilities scheduled for modernization, if the Board determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses.
- Rental or construction of temporary classrooms (including modular classrooms), and rental or construction of temporary locations, as needed to house students or administrative offices during construction.
- Necessary site preparation/restoration in connection with new construction, renovation or remodeling, or installation or removal of modular classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property.

The Bond Project List 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.

**GENERAL PROVISIONS**

Interpretation. The terms of this bond measure and the words used in the Bond Project List shall be interpreted broadly to effect the purpose of providing broad and clear authority for the officers and employees of the District to provide for the school facilities projects the District proposes to finance with the proceeds of the sale of bonds authorized by this measure within the authority provided by law, including Article XIII A, Section 1(b)(3) of the California Constitution, Education Code Section 15000 *et seq.* and the Strict Accountability in Local



School Construction Bonds Act of 2000. Without limiting the generality of the foregoing, such words as repair, improve, upgrade, expand, modernize, renovate, and reconfigure are used in the Bond Project List to describe school facilities projects in plain English and are not intended to expand the nature of such projects beyond, or have an effect on, and shall be interpreted to only permit, what is authorized under Article XIII A, Section 1(b)(3) of the California Constitution, Education Code Section 15000 *et seq.* and the Strict Accountability in Local School Construction Bonds Act of 2000. In this regard, the Bond Project List does not authorize, and shall not be interpreted to authorize, expending proceeds of the sale of bonds authorized by this measure for current maintenance, operations or repairs. The school facilities projects on the Bond Project List only authorize capital expenditures.

Estimated Ballot Information. The Board hereby declares, and the voters by approving this bond measure concur, that the information included in the statement of the bond measure to be voted on pursuant to Section 13119 of the California Elections Code is based upon the District's projections and estimates only and is not binding upon the District. The amount of money to be raised annually and the rate and duration of the tax to be levied for the bonds may vary from those presently estimated due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for project funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the Alameda County Assessor in the annual assessment and the equalization process.

Severability. The Board and the voters hereby declare that every portion, section, subdivision, paragraph, clause, sentence, phrase, word, application and individual project (individually referred to as "Part" and collectively as "Parts"), of this bond measure has independent value, and the Board and the voters would have adopted each Part hereof regardless of whether any other Part of this bond measure would be subsequently declared invalid. Upon approval of this bond measure by the voters, should any Part of this bond measure be found by a court of competent jurisdiction to be invalid for any reason, all remaining Parts hereof shall remain in full force and effect to the fullest extent allowed by law, and to this end the Parts of this bond measure are severable.

## **EXHIBIT B**

### **TAX INFORMATION STATEMENT**

An election will be held in the Albany Unified School District (the “District”) on November 5, 2024, to authorize the sale of up to \$63.8 million in bonds of the District to finance school facilities as described in the measure. If the bond measure is approved by at least 55% of the voters of the District voting on the bond measure, the District expects to issue the bonds in multiple series over time. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with Sections 9400 through 9405 of the California Elections Code.

1. The best estimate of the average annual tax rate that would be required to be levied to fund this bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of filing of this statement, is \$60 per \$100,000 of assessed valuation. The final fiscal year in which the tax to be levied to fund this bond issue is anticipated to be collected is fiscal year 2056-57.

2. The best estimate of the highest tax rate that would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is \$60 per \$100,000 of assessed valuation in fiscal year 2025-26.

3. The best estimate of the total debt service, including the principal and interest, that would be required to be repaid if all of the bonds are issued and sold is approximately \$130,535,000.

District voters have previously approved bond measures in March 1993, November 2004, February 2008, and two measures in June 2016, with bonds that are still outstanding, and the aggregate tax rate for the previous measures totaled \$180 per \$100,000 of assessed value for fiscal year 2023-24.

Voters should note that estimated tax rates are based on the ASSESSED VALUE of taxable property on the County’s official tax rolls, not on the property’s market value, which could be more or less than the assessed value, and that such estimated tax rates are in addition to taxes levied to pay bonds authorized under other measures and other taxes imposed by or on behalf of the District. In addition, taxpayers eligible for a property tax exemption, such as the homeowner’s exemption, will be taxed at a lower effective tax rate than described above. Certain taxpayers may also be eligible to postpone payment of taxes. Property owners should consult their own property tax bills and tax advisors to determine their property’s assessed value and any applicable tax exemptions. The estimated rates presented above apply only to the taxes levied to pay bonds authorized by this measure. Additional taxes will be levied to pay bonds issued pursuant to previous, concurrent, and future authorizations by the District and/or any other local agency with an overlapping tax base.

Attention of all voters is directed to the fact that the foregoing information is based upon the District’s projections and estimates only, which are not binding upon the District. The average annual tax rate, the highest tax rate, the final fiscal year in which the tax is anticipated to be collected and the year or years in which they will apply, and the actual total

debt service, may vary from those presently estimated for a variety of reasons, including, without limitation, due to variations in the timing of bond sales, the amount or amortization of bonds sold, market conditions at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount or amortization of bonds sold at any given time will be determined by the District based on need for project funds and other factors, including the legal limitations on bonds approved by a 55% affirmative vote. Market conditions, including, without limitation, interest rates, are affected by economic and other factors beyond the control of the District and will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process. The growth or decline in assessed valuation is the result of a number of economic and other factors outside the control of the District.

Dated: \_\_\_\_\_, 2024.

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Superintendent of Schools  
Albany Unified School District

SECRETARY'S CERTIFICATE

I, Secretary of the Board of Education of the Albany Unified School District, County of Alameda, California, do hereby certify as follows:

The attached is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Education of the District duly and regularly held at the regular meeting place thereof on June 18, 2024, and entered in the minutes thereof, of which meeting all of the members of the Board of Education had due notice and at which a quorum thereof was present. The resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

An agenda of said meeting was posted at least 72 hours before said meeting at 1216 Solano Avenue, Albany, California, a location freely accessible to members of the public, and posted online in accordance with all applicable laws, and a brief description of said resolution appeared on said agenda. A copy of said agenda is attached hereto.

I have carefully compared the same with the original minutes of the meeting on file and of record in my office. The resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Pursuant to Section 5 of said resolution, I have caused a certified copy thereof to be filed with the Clerk of the Board of Supervisors of the County.

WITNESS my hand this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Secretary, Board of Education  
Albany Unified School District