



**East Side Union High School District  
General Obligation Bond Measure N  
November 8, 2022 Ballot Language**

**Full Text of Measure N**

With funds that cannot be taken by the State and spent elsewhere, shall East Side Union High School District's measure to expand career/technical education facilities, renovate science labs and upgrade technology at Andrew Hill, Calero, Evergreen Valley, Foothill, Independence, James Lick, Mt. Pleasant, Oak Grove, Piedmont Hills, Santa Teresa, Silver Creek, Yerba Buena and W. C. Overfelt High Schools be adopted, authorizing \$572 million in bonds with legal rates, projected levies below 3¢/\$100 of assessed valuation (\$35.7 million/year through 2050), annual audits, independent oversight and no increase in tax rates?

Bonds -- Yes Bonds -- No

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**BOND AUTHORIZATION**

By approval of this Measure by at least 55 percent of the registered voters voting on the measure, the East Side Union High School District will be authorized to issue and sell bonds of up to \$572 million in aggregate principal amount at interest rates not to exceed legal limits, having an estimated final maturity in 2050, and to provide financing for the specific types of school facilities projects listed in the Bond Project List described below, subject to all the accountability requirements specified below.

**ACCOUNTABILITY REQUIREMENTS**

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

**Evaluation of Needs.** The School Board has identified detailed facilities needs of the District and has determined which projects to finance from a local bond. The School Board hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List shown below.

**Independent Citizens' Oversight Committee.** Following approval of this measure, the School Board will establish an Independent Citizens' Oversight Committee, under Education Code Section 15278 and following, to ensure that bond proceeds are expended only on the types of school facilities projects listed below. The committee will be established within 60 days of the date when the results of the election appear in the minutes of the School Board.

**Performance Audits.** The School Board will conduct annual, independent performance audits to ensure that the bond proceeds have been expended only on the school facilities projects listed below.

**Financial Audits.** The School Board will conduct annual, independent financial audits of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed below.

**Government Code Accountability Requirements.** As required by Section 53410 of the Government Code, (1) the specific purpose of the bonds is set forth in this Full Text of the Measure, (2) the proceeds from the sale of the bonds will be used only for the purposes specified in this measure, and not for any other purpose, (3) the proceeds of the bonds, when and if issued, will be deposited into a building fund to be held by the Santa Clara County Treasurer, as required by the California Education Code, and (4) the Superintendent of the District shall cause an annual report to be filed with the School Board not later than January 1 of each year, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the projects listed in this measure, as required by Sections 53410 and 53411 of the Government Code.

### **NO TEACHER OR ADMINISTRATOR SALARIES**

Proceeds from the sale of bonds authorized by this measure shall be used only for the purposes specified in Article XIII A, Section 1(b)(3), those being for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, and the acquisition or lease of school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

### **STATE MATCHING FUNDS**

The following statement is included in this measure pursuant to Education Code Section 15122.5: Approval of this measure does not guarantee that the proposed project or projects that are the subject of bonds under this measure will be funded beyond the local revenues generated by this measure. The District's proposal for the project or projects described below may assume the receipt of matching state funds, which, if available, could be subject to appropriation by the Legislature or approval of a statewide bond measure.

### **INFORMATION ABOUT ESTIMATES AND PROJECTIONS INCLUDED IN THE BALLOT**

Voters are informed that any estimates, averages or projections in the bond measure, ballot materials and ballot label, including relating to estimated or average tax rates, the duration or term of issues bonds and related tax levies and money raised annually from tax levies to repay issued bonds are provided as informational only. Such amounts are estimates and are not maximum amounts, caps or limitations on the terms of the bonds, the tax rates or duration of the tax supporting repayment of issued bonds. Such estimates depend on numerous variables which are subject to variation and change over the term of the District's overall facilities and bond financing plan, including but not limited to the amount of bonds issued and outstanding at any one time, the interest rates applicable to issued bonds, market conditions at the time of

sale of the bonds, when bonds mature, timing of project needs and changes in the assessed valuations in the District. The District currently expects that due to scheduled amortization of existing bonded debt, that the annual property tax rate estimated at the time of calling the election to be required to be levied for bonds issued pursuant to this measure will not at the time of said levy increase tax rates from the rate applied in 2021-22. However, estimates and approximations provided as part of this measure are based on information currently available to the District and its current expectations, and such estimates and approximations are not limitations or maximums on the terms of bond, durations or tax rates required to amortize issued bonds.

### **BOND PROJECT LIST**

**Scope of Projects.** Bond proceeds will be expended on the construction, reconstruction, rehabilitation, or replacement of school facilities of the East Side Union High School District, including furnish and equipping, and the acquisition or lease of real property for school facilities, and not for any other purpose, including teacher and administrator salaries or other school operating expenses, in compliance with California Constitution Article XIII A, Section 1(b)(3).

Unless otherwise specified below within a category, project listed below may be completed at any and all school sites and facilities where such project is determined necessary, and projects are authorized to be performed at each and all of the District's schools, campuses, properties and buildings, administrative and support facilities whether owned or yet to be acquired, including, but not limited to, the following school sites and properties:

- Andrew P. Hill High School
- Education Center
- Evergreen Valley High School
- Independence High School
- James Lick High School
- Mt. Pleasant High School
- Oak Grove High School
- Piedmont Hills High School
- Santa Teresa High School
- Silver Creek High School
- William C. Overfelt High School
- Yerba Buena High School
- Foothill High School
- Alternative Education Centers/Schools
- Independence Adult Center
- Overfelt Adult Center

**Specific School Facility Project List.** The items presented on the following list provide the types of school facilities projects authorized to be financed with voter-approved bond proceeds. Specific examples included on this list are not intended to limit the types of projects described and authorized by this measure. The following types of projects are authorized:

## **Construction/Modernization**

- New/Modernization of Classrooms, Career Technical Education and Science Labs
- New/Modernization of Restrooms
- New/Modernization of Learning Commons
- New/Modernization of Classrooms
- New/Modernization of Student Services/Library/Administration Building
- New/Modernization of Student Services Building
- New/Modernization of Theater and Performing Arts Facilities
- New/Modernization of Food Service Facilities
- New/Modernization of Gymnasium Building
- New/Modernization of Multi-purpose Building
- Roofing Modernization
- Upgrades to Building Infrastructure Systems (HVAC, Mechanical, Electrical & Lighting, Domestic Water Systems, Natural Gas Systems)
- Safety and Security Upgrades
- Athletic Facilities, Field, and Field Building Improvements
- Landscape, Hardscape, Storm Water Systems & Irrigation Improvements
- Lighting Improvements
- Sidewalk & Streetscape Improvements
- Improve Disabled Access
- New/Modernization of facilities for the Post Senior Special Education/Adult Transition Program
- Parking Lot Improvements
- Site/Building Related Improvements
- Expand the Existing SBN Sites to Accommodate Additional Students, Specifically Apollo, Phoenix, and Pegasus
- Construct a Facility to House a Community Day School
- Improvements to the District Transportation Yard
- Improvements to the Instructional Programs Facilities
- Construct/Modernize Joint Use Facilities with other Local Public Agencies
- Upgrade, Maintain, Equip, and/or Replace Outdated Instructional Facilities, Support Services, and Sites to Meet Demands of Changing Workforce
- Alternative Education/Charter School Shared Use Facilities; Including auxiliary spaces, Labs, Food Service, Gymnasiums, Athletic Facilities, and Field Building Improvement

## **Educational Technology Equipment Projects and Supporting Systems and Software**

- Devices and Technology Systems
  - Computers, computer tablets and peripheral hardware
  - Classroom technology tools
  - Smart boards
  - Document cameras
  - Wireless microphones
  - Printers, copiers and scanners

- Teacher-parent communication systems
- Data backup systems
- Classroom and district-wide security system hardware
- Technology equipment for use in science labs
- Software
  - Educational software
  - Student Performance assessment software
  - Telecommunications software
  - Web site development and maintenance
  - Vocational education training software
  - Disaster recovery hardware and software
  - Classroom and district-wide security software
  - Document retention software
  - Software related to the overall instructional services, business services, and human relation services of the District
  - Remote learning software
- Infrastructure
  - Capital technology project including but not limited to the wiring of data centers, classrooms and school facilities
  - Computer and technology wiring, servers, routers, switches and other information devices
    - District-wide wireless access infrastructure
- Implementation
  - Installation and upgrading of various technology systems
  - Costs of providing training related to the use and implementation of technology projects
  - Future technology projects as set forth in the District's Board approved technology plan

Each of the bond projects described in this Bond Project List include the costs of furnishing and equipping such facilities, and all costs which are incidental but directly relate to the types of projects described above.

Examples of incidental costs include, but are not limited to: costs of design, engineering, architect and other professional services, facilities assessments, inspections, site preparation, grading, utilities, landscaping, construction management and other planning and permitting, legal, accounting and similar costs; all finishing work such as painting, repainting, carpeting and flooring; independent annual financial and performance audits; a customary construction contingency; demolition and disposal of existing structures; the costs of interim housing and storage during construction including relocation and construction costs incurred relating to interim facilities; rental or construction of storage facilities and other space on an interim basis for materials and other equipment and furnishings displaced during construction; costs of relocating facilities and equipment as needed in connection with the projects; interim classrooms and facilities for students, administrators, and school functions, including portable or modular facilities; federal and state-mandated safety upgrades; addressing unforeseen

conditions revealed by construction/modernization including abatement and removal of hazardous materials and other necessary improvements required to comply with existing building codes, including the Field Act; access requirements of the Americans with Disabilities Act; costs of the election; project construction oversight, management and administration during the duration of such projects, including by District personnel, and bond issuance costs.

Unforeseen conditions may arise during the course of planning, design and construction and reconstruction resulting in the scope and nature of any of the specific projects described above being altered by the District. In the event that the District determines that a modernization or renovation project is more economical for the District or otherwise in the District's best interests to be undertaken as new construction, this bond measure authorizes said new construction, including land acquisition, relocation, expansion and construction and/or reconstruction, and all costs relating thereto, including temporary facilities to house students and other District operations. In addition, this measure authorizes the acquisition of real property, including necessary rights of ways or other real property interests, required to expand District facilities, to provide access to school or other District facilities, or to provide additional school or related facilities. Further, authorized projects include reimbursements for project costs previously paid and paying and/or prepaying interim financing for the types of projects included on the project list, such as bond anticipation notes. Finally, projects on this list may be undertaken and used as joint use projects with other public agencies.

The foregoing list of projects is subject to the availability of adequate funding to the District. Approval of the bond measure does not guarantee that the proposed projects in the District that are the subject of bonds under the measure will be funded beyond the local revenues generated by the bond measure. The District' proposal for the 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. Many factors which the District cannot predict or control may impact its ability to address each of the projects, including but not limited to construction cost issues, supply chain issues which can cause project delays, labor shortages, and unknown environmental factors or site conditions, among others. The District is unable to anticipate all unforeseen circumstances which may prevent some of the projects listed above from being undertaken or completed.

The order in which projects are listed in the foregoing Bond Project List does not suggest an order or priority. Project prioritization is vested in and will be determined by the School Board.