

**OAK PARK UNIFIED SCHOOL DISTRICT  
5801 E. CONIFER STREET  
OAK PARK, CALIFORNIA 91377  
(818) 735-3206**

**ADDENDUM - AGENDA #828**

**REGULAR BOARD MEETING**

DATE: Tuesday, October 19, 2010  
TIME: 6:00 p.m. Open Session  
PLACE: Oak Park High School  
Presentation Room-G9  
899 Kanan Road  
Oak Park, CA 91377

**ACTION**

- C.4.a. Update and Direction on Unauthorized Use by Dog Owners of the Playfields at Brookside and Red Oak Elementary Schools**
- C.4.b Approve Resolution #10-29 Authorizing Filing Application for Qualified School Construction Bond Allocation and Approving Related Actions**

Date: October 15, 2009

Anthony W. Knight, Ed.D.  
Superintendent and Secretary to the  
Board of Education

**TO: MEMBERS, BOARD OF EDUCATION**  
**FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT**  
**DATE: OCTOBER 19, 2010**  
**SUBJECT: C.4.a. UPDATE AND DIRECTION ON UNAUTHORIZED USE BY DOG OWNERS OF THE PLAYFIELDS AT BROOKSIDE AND RED OAK ELEMENTARY SCHOOLS**

DISCUSSION/ACTION

**ISSUE:** Shall the Board discuss and provide direction to staff in connection with the unauthorized use by dog owners of the playfields at Brookside Elementary School and Red Oak Elementary School?

**BACKGROUND:** Some community members have been using the playfields at Brookside Elementary School and Red Oak Elementary School as an unauthorized dog park after school hours, many failing to clean up after their animals. To mitigate this unhealthy condition, staff has engaged a private patrol to randomly visit both site after school hours and on weekends. The patrol service has been directed to escort dog owners off the property, and authorized to contact the Ventura County Sheriff on the District's behalf to issue citations if necessary. Staff has also obtained quotes from two companies to completely fence in the two playfields.

The Board has requested an update on this matter at this evening's meeting to review and discuss the corrective steps taken, and possibly provide further direction to staff.

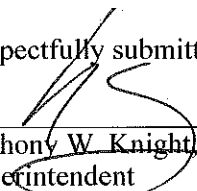
**ALTERNATIVES:**

1. After discussion, approve the current steps taken to mitigate the unauthorized use of the playfields.
2. After discussion, direct staff to take other or additional action.

**RECOMMENDATION:** At the Board's discretion.

Prepared by: Martin Klauss, Assistant Superintendent, Business and Administrative Services

Respectfully submitted,

  
\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Panec	_____	_____	_____	_____
Rees	_____	_____	_____	_____
Vinson	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

**TO: MEMBERS, BOARD OF EDUCATION**

**FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT**

**DATE: OCTOBER 19, 2010**

**SUBJECT: C.4.b APPROVE RESOLUTION #10-29 AUTHORIZING FILING  
APPLICATION FOR QUALIFIED SCHOOL CONSTRUCTION  
BOND ALLOCATION AND APPROVING RELATED ACTIONS  
ACTION**

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**ISSUE:** Shall the Board approve resolution #10-29 authorizing filing application for Qualified School Construction Bond allocation and approving related actions?

**BACKGROUND:** Qualified School Construction Bonds ("QSCBs") were created under the American Recovery and Reinvestment Act of 2009 ("ARRA" or "Stimulus Bill"). QSCBs are an interest subsidized financing vehicle for the construction, acquisition, rehabilitation or repair of K-12 school facilities. QSCBs provide either federal tax credits to bondholders or reimbursement of interest costs to school districts in order to reduce the cost of borrowing. The intent of this program is to meet the ARRA goals of stimulating the economy and generating jobs.

Regulations regarding the 2010 QSCB program have been passed by the State Legislature and signed by the Governor. Applications may be submitted to the California Department of Education on November 5, 2010. As with the 2009 QSCB program, applications will be limited to \$25 million per district. However, unlike last year's program, only those districts able to repay the QSCBs with available GO bond authority will be permitted to apply (with certain minor exceptions). Selection among applicants will be made on the following basis: a) date of receipt of application (by certified mail), b) projects having Department of State Architect approval and c) the greater percentage of a district's pupils who qualify for the federal free and reduced priced meals program and are enrolled in the program.

Should the District receive a QSCB allocation, this program may allow for the acceleration of the District's proposed projects. While the prospect of low interest financing is attractive, the amount borrowed under the QSCB program must still be repaid within a 13 to 17-year timeframe. As such, the District's underwriter (Piper Jaffray) and financial advisor (Dale Scott & Company) will work with staff to develop a financing program that serves the best interests of the District and its taxpayers.

The apparent benefits of the QSCB program suggest it would be advantageous to submit an allocation application. The attached resolution

**BOARD MEETING, OCTOBER 19, 2010**

Approval of Resolution #10-00 Authorizing Application  
For Qualified School Construction Bonds

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is designed to accompany the application to the State. If, after applying and receiving an allocation, the District decides not to use all or a part of the allocation for whatever reason, it can be returned without penalty to the State. Any subsequent financings that take place due to receipt of a QSCB allocation by the District will be brought to the Board for approval. All professional fees and expenses associated with the QSCB application process and subsequent transactions are wholly contingent on the successful completion of the necessary financings and will not be paid out of the District's general fund.

**ALTERNATIVES:** 1. Approve Resolution #10-29 authorizing District staff to submit an application for Qualified School Construction Bonds.  
2. Do not approve Resolution #10-29.

**RECOMMENDATION:** Alternative No. 1

Prepared by: Martin Klauss, Assistant Superintendent, Business and Administrative Services

Respectfully submitted,

  
\_\_\_\_\_  
Anthony W. Knight, Ed.D.  
Superintendent

Board Action: On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the Board of Education:

VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Panec	_____	_____	_____	_____
Rees	_____	_____	_____	_____
Vinson	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

## **RESOLUTION #10-29**

### **RESOLUTION OF THE BOARD OF EDUCATION OF THE OAK PARK UNIFIED SCHOOL DISTRICT AUTHORIZING FILING AN APPLICATION FOR QUALIFIED SCHOOL CONSTRUCTION BOND ALLOCATION WITH THE CALIFORNIA DEPARTMENT OF EDUCATION, AND APPROVING RELATED MATTERS AND OFFICIAL ACTIONS**

**WHEREAS**, the American Recovery and Reinvestment Act of 2009 added Section 54F to the Internal Revenue Code of 1986, authorizing the issuance of qualified school construction bonds ("QSCBs"), in a principal amount of \$11 billion for calendar year 2010; and

**WHEREAS**, the total allocation provided to the State of California (the "State") for calendar year 2010 is \$720,058,000, excluding allocations which have been specifically provided to certain designated large local educational agencies, of which amount, \$651,652,000 has been assigned to the California State Department of Education (the "Department of Education") to assign and distribute to or for the benefit of school districts and county offices of education in the State; and

**WHEREAS**, the application for such allocation has recently been made available to school districts by the Department of Education; and

**WHEREAS**, applications for QSCB allocations will be received by the Department of Education, subject to a \$25,000,000 maximum per district; and

**WHEREAS**, the Oak Park Unified School District (the "District") is in need of additional school construction funding and in order to lower the borrowing costs associated with funding its school construction projects, desires at this time to authorize the filing of an application with the Department of Education in order that it may issue obligations which are QSCBs; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Education of the District as follows:

**Section 1. Authorization to File QSCBs Application.** The Board of Education hereby authorizes the filing of an application with the Department of Education for a portion of the 2010 volume cap for QSCBs, in the principal amount of not to exceed \$25,000,000, in the form prescribed by the Department of Education (the "QSCB Application"). The Superintendent is hereby authorized and directed to cause the QSCB Application, and all supporting documentation, to be completed and filed with the Department of Education not later than the deadline specified by the Department of Education for filing such QSCB Application.

**Section 2. School Board Certifications.** The Board of Education hereby certifies that if it receives an allocation to issue obligations as QSCBs, it will fulfill all of the federal qualified school construction bond program requirements, including, but not limited to, the following:

- (a) within six months of the date of issuance, the District will enter into a contract or contracts for use of an amount of bond proceeds equal to 10 percent of the QSCB authorization; and
- (b) within three years of the date of issuance, the District will spend 100 percent of the bond proceeds for qualified purposes.

The Board of Education hereby authorizes the Superintendent to make any additional certification on behalf of the District with respect to the fulfillment of the federal qualified school construction bond program requirements.

**Section 2. Designation and Construction of Projects.** All of the proceeds received by the District from the issuance of QSCBs shall be applied for the purpose of financing (a) the construction, rehabilitation or repair of public school facilities, (b) the acquisition of land on which public school facilities will be constructed with the proceeds of the QSCBs, or (c) equipment related to the project(s) to be constructed or rehabilitated with the proceeds of the QSCBs. Such public school facilities, land and equipment shall be limited to those described in the specific list of projects for which general obligation bonds of the District have previously been authorized. As required by applicable law, all laborers and mechanics employed by contractors or subcontractors on projects funded by the QSCBs shall be paid wages and fringe benefits at rates not less than those prevailing on similar projects in the locality. Within six months of the issuance of the QSCBs, the District must have entered into contract(s) for the use of proceeds at least equal to 10% of issuance. Additionally, 100% of the proceeds of the proceeds of the QSCBs are to be used for a qualified purpose and must be spent within three years of the date of issuance of the QSCBs.

**Section 3. Authorization of General Obligation Bonds.** The Board of Education hereby declares its intention that the QSCBs shall be payable from general obligation bonds issued by the District (the "General Obligation Bonds"). Following the approval of the Application, the Superintendent shall cause to be prepared and presented to the Board of Education a resolution authorizing the sale of General Obligation Bonds in accordance with the applicable laws of the State of California.

**Section 4. Prohibition on Financial Conflicts of Interest.** The District shall assure that all applicable State of California and local law requirements governing conflicts of interest are satisfied with respect to the issuance of the QSCBs, and if additional conflict of interest rules are imposed by Internal Revenue Service regulation, such additional rules will be satisfied with respect to the issuance of the QSCBs.

**Section 5. Filings with Department of Education.** Within 15 days of issuing the QSCBs, the District will submit a copy of IRS Form 8038 to the Department of Education. In addition, at the conclusion of the project(s), the District shall submit a completion report to the Department of Education.

**Section 6. Unused Allocation.** In the event that the District does not issue the QSCBs in the full amount of the authorization by such date as specified by the Department of Education, the District hereby declares that any and all unused portion of the authorization, without further action by the Board of Education, shall revert to the State of California (CDE), to be allocated or reallocated as determined by the Department of Education in its sole discretion.

**Section 7. Engagement of Professional Services.** The Board of Education hereby approves the engagement of the firm of Dale Scott & Company Inc. to act as financial advisor and Piper Jaffray & Co. as Underwriter to the District in connection with the issuance of the QSCBs and any related general obligation bonds. All fees and expenses payable to said firms shall be contingent upon the approval to issue the QSCBs by the Department of Education and the issuance and sale of the QSCBs and general

obligation bonds by the District. The Superintendent is hereby authorized and directed to execute the agreements between said firms and the District, in the form on file with the Superintendent or to amend any prior agreements with said firms.

**Section 8. Official Actions.** The Superintendent, the Assistant Superintendent of Business Services, and all other officers of the District, are hereby authorized and directed for and in the name and on behalf of the District to do any and all things and take any and all actions relating to the execution and delivery of any and all certificates, requisitions, agreements and other documents, which they, or any of them, may deem necessary or advisable in order to consummate any of the matters approved by this Resolution.

**Section 9. Effective Date of Resolution.** This Resolution will take effect from and after the date of its passage and adoption.

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PASSED AND ADOPTED on October 19, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

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President of the Board of Education

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Clerk of the Board of Education