

NOTICE OF SPECIAL MEETING

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

**Tuesday
September 13, 2011
3:45 PM**

**Facilities Operations Center
Conference Room C
1300 Potrero Avenue
Richmond, CA 94804**

MEETING AGENDA

A. OPENING PROCEDURES

- A.1 Call to Order**
- A.2 Pledge of Allegiance**
- A.3 Roll Call**

B. BUSINESS ITEMS

B.1 Resolution No. 16-1112: Reimbursement Resolution – 2010 Series A Bond Sale

Comment:

Bond counsel has been working with staff to advise on the validity of charging current costs associated with the Gompers/Leadership project to the future issuance of the 2010 Series A Bond – QSCB (Quality School Construction Bond). Counsel has prepared this resolution so that costs recognized as “capital costs” can be tracked and charged to the new issuance, once those bonds are sold. It will permit the District to go back 60 days from the date of this resolution to capture these costs. This will help us in our effort to make sure that the QSCB funds are spent within the timeline required, which is 3 years from the date of the sale.

Recommendation:

Recommend Approval

Fiscal Impact:

Ability to track and charge Gompers/Leadership project expenditures to the QSCB bonds prior to the bond issuance.

C. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING
Lovonya DeJean Middle School – September 21, 2011

D. ADJOURNMENT

* The public may only address items which are marked with an asterisk (*).

The Governing Board welcomes and encourages public comment. Members of the public may comment on items included on this agenda; however, we ask that you limit your comments to 2 minutes so that as many as possible may be heard. The total time for public comment for each item is limited to no more than 30 minutes. (Education Code §35145.5, Government Code §54954.3)

Special Accommodations: *Upon written request to the District, disability-related modifications or accommodations, including auxiliary aids or services, will be provided. Please contact the Superintendent's Office at 510-231-1101 at least 48 hours in advance of meetings.*

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
1108 Bissell Avenue
Richmond, California 94801-3135
Office of Superintendent of Schools

ITEM REQUIRING ATTENTION----BOARD OF EDUCATION

To: Board of Education **Meeting Date:** September 13, 2011

From: Sheri Gamba *SG* Agenda Item:
Associate Superintendent Business Services

Subject: Resolution Number 16-1112 Reimbursement Resolution – 2010 Series A Bond Sale

Background Information:

Bond counsel has been working with staff to advise on the validity of charging current costs associated with the Gompers/Leadership project to the future issuance of the 2010 Series A Bond – QSCB (Quality School Construction Bond). Counsel has prepared this resolution so that costs recognized as “capital costs” can be tracked and charged to the new issuance, once those bonds are sold. It will permit the District to go back 60 days from the date of this resolution to capture these costs. This will help us in our effort to make sure that the QSCB funds are spent within the timeline required, which is 3 years from the date of the sale.

Recommendation: Recommend Approval

Fiscal Impact: Ability to track and charge Gompers/Leadership project expenditures to the QSCB bonds prior to the bond issuance.

DISPOSITION BY BOARD OF EDUCATION

Motion by: _____ Seconded by: _____

Approved _____ Not Approved _____ Tabled _____

REIMBURSEMENT RESOLUTION

RESOLUTION NO. 16-1112

RESOLUTION OF THE BOARD OF EDUCATION OF THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT REGARDING ITS INTENTION TO ISSUE BOTH TAX-EXEMPT GENERAL OBLIGATION BONDS AND TAXABLE QUALIFIED SCHOOL CONSTRUCTION BONDS

WHEREAS the West Contra Costa Unified School District (the "District") passed a \$380,000,000 general obligation bond election on June 8, 2010 (the "Measure D"); and

WHEREAS, the Board of Education of the District desires to finance the costs of acquiring, constructing, reconstruction and/or equipping of school facilities as provided in Measure D (the "Project"); and

WHEREAS, the District intends to finance the acquisition, construction, reconstruction and/or equipping of the Project or portions of the Project with the proceeds of the sale of general obligation bonds, the interest upon which is excluded from gross income for federal income tax purposes or from general obligation bonds which are designated as taxable qualified school construction bonds (together, the "Obligations"); and

WHEREAS, prior to the issuance of the Obligations the District desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the District; and

WHEREAS, the Board of Education has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the District for the Expenditures from the proceeds of the Obligations; and

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, ORDER, AND DETERMINE AS FOLLOWS:

SECTION 1. The District hereby states its intention and reasonably expects to reimburse Project costs incurred prior to the issuance of the Obligations with proceeds of the Obligations. Exhibit A describes the general character, type, purpose, and function of the Project.

SECTION 2. The reasonably expected maximum principal amount of the Obligations is \$100,000,000.

SECTION 3. This resolution is being adopted not later than 60 days after the payment of the original Expenditures (the "Expenditures Dates or Dates").

SECTION 4. The District will make a reimbursement allocation, which is a written allocation that evidences the District's use of proceeds of the Obligations to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on

which the Expenditure is paid. If both the District and a licensed architect or engineer certify that at least 5 years is necessary to complete construction of the Project, the maximum reimbursement period is changed from 3 years to 5 years.

SECTION 5. Each Expenditure will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Obligations, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the District so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the District.

SECTION 6. This resolution is consistent with the budgetary and financial circumstances of the District, as of the date hereof. No moneys from sources other than the Obligations are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the District (or any related party) pursuant to their budget or financial policies with respect to the Project costs. To the best of our knowledge, this Board is not aware of the previous adoption of official intents by the District that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 7. This resolution is adopted as official action of the District in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of District expenditures incurred prior to the date of issue of the Obligations.

SECTION 8. The limitations described in Section 3 and Section 4 do not apply to (a) costs of issuance of the Obligations, (b) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the Obligations, or (c) any preliminary expenditures, such as architectural, engineering, surveying, soil testing, and similar costs other than land acquisition, site preparation, and similar costs incident to commencement of construction, not in excess of twenty percent (20%) of the aggregate issue price of the Obligations that finances the Project for which the preliminary expenditures were incurred.

SECTION 9. All the recitals in this resolution are true and correct and this Board of Education so finds, determines and represents.

ADOPTED, SIGNED AND APPROVED this 13th day of September, 2011.

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT BOARD OF
EDUCATION

By _____
Board President

Attest:

Secretary

EXHIBIT A

DESCRIPTION OF PROJECT

The Project shall consist of the acquisition, renovation, construction of school facilities, and acquisition and installation of equipment associated therewith, including roofing improvements, enhancement of telecommunication and security systems and the establishment of an endowment to fund technology equipment, system and upgrades, and all other projects authorized by Measure D approved by the voters on June 8, 2010. The Project will also include the payment of all necessary legal, financial, architectural, environmental, engineering, seismic evaluation, facilities master planning and contingent costs in connection therewith.

STATE OF CALIFORNIA)
)ss
CONTRA COSTA COUNTY)

I, _____, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, which was duly adopted by the Board of Education of the West Contra Costa Unified School District at meeting thereof held on the 13th day of September, 2011, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary