

ALBANY COMMUNITY POOL IMPROVEMENT BOND MEASURE E

<p>E MEASURE E: "In order to reconstruct and replace the Albany School District Community Pool (including showers, lockers and related facilities) to provide students and the community with adequate swimming facilities for school; adult school; athletic competition; recreational and community use, including therapeutic and instructional swim, with additional high school classrooms, shall the Albany Unified School District issue \$10,000,000 in bonds at interest rates within the legal limit, and establish a Citizens' Oversight Committee to monitor all expenditures?"</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">BONDS YES</td> </tr> <tr> <td style="padding: 5px;">BONDS NO</td> </tr> </table>	BONDS YES	BONDS NO
BONDS YES			
BONDS NO			

est tax rate required to be levied to fund the bonds is \$60.00 per \$100,000 of assessed valuation of taxable property on the County's official tax rolls, as is set forth more fully in the Measure's Tax Rate Statement in this Voter Pamphlet. If 55% of those voting on this Measure do not vote for approval, the Measure will fail and the Albany Unified School District will not be authorized to issue the bonds.

s/RICHARD E. WINNIE
County Counsel

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF BOND MEASURE E

ANALYSIS BY THE ALAMEDA COUNTY COUNSEL OF THE ALBANY UNIFIED SCHOOL DISTRICT BOND MEASURE

Measure E, an Albany Unified School District ("District") bond measure, seeks voter approval to authorize the governing Board of the District to cause general obligation bonds to be sold in two series in an aggregate principal amount not to exceed \$10,000,000 at interest rates within the statutory limit. The primary purpose of the bonds is to finance the replacement of and further improvements to the Albany School District Community Pool.

Proceeds from the sale of school bonds may only be used for construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of such facilities; or for the acquisition or lease of real property for school facilities. In addition, proceeds may only be used for the projects listed in the Measure, which include the construction of a new swimming pool for student, adult school, athletic competition and Albany community use; locker rooms and related facilities; and additional high school classrooms. Proceeds may not be used for any other purpose, such as teacher and administrator salaries nor operating expenses.

Pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution and California Education Code Section 15274, this Measure will become effective upon the affirmative vote of at least 55% of the qualified electors voting on this Measure.

If 55% of those who vote on the Measure vote "yes", the District will be authorized to issue bonds in an amount not to exceed \$10,000,000. Approval of this Measure will authorize Alameda County to levy an ad valorem tax on the assessed value of real property within the District by an amount needed to pay the principal and interest on these bonds in each year that the bonds are outstanding. The Tax Rate Statement for Measure E in this Voter Pamphlet reflects the District's best estimates, based upon currently available data and projections, of the property tax rates required to service the bonds. The best estimate of the high-

FULL TEXT OF BOND MEASURE E

ALBANY COMMUNITY POOL IMPROVEMENT BOND

This Proposition may be known and referred to as the "Albany Community Pool Improvement Bond" or as "Measure E".

FINDINGS

Our local schools' demonstrated excellence has made Albany Unified School District a "destination district", enhancing the reputation and property values of the entire community.

The Albany community has long supported its public school buildings and school programs in order to achieve educational improvements for our children, including bond measures approved in 1993 and 2004. Albany Unified School District staff have used our bond resources carefully, obtained significant funding from the State, and stretched local dollars to complete the maximum number of projects.

The prior bond funds are fully committed to the projects for which they were approved. The Albany School District Community Pool was built over 60 years ago, and is in need of repairs and improvements to meet existing needs. The pool is a valued resource, used throughout the year by students and the wider Albany community.

BOND AUTHORIZATION

By approval of this proposition by at least 55% of the registered voters voting on the proposition, the Albany Unified School District shall be authorized to issue and sell bonds of up to \$10,000,000 in aggregate principal amount to provide financing for the specific school facilities projects listed in the Bond Project List included in this proposition, and in order to qualify to receive any State matching grant funds for which the projects may be eligible, subject to all of the accountability safeguards specified below.

Proceeds from the sale of bonds authorized by this proposition 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. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to the bond projects.

ACCOUNTABILITY SAFEGUARDS

The provisions in this section are specifically included in this proposition in order that the Albany Unified School District's voters and taxpayers may be assured that their money will be spent wisely to address specific facilities needs of the Albany Unified School District, all 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 Board of Education hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

Independent Citizens' Oversight Committee. The Board of Education shall establish an independent Citizens' Oversight Committee (pursuant to Education Code Section 15278 and following), to ensure bond proceeds are spent only for the school facilities projects listed in the Bond Project List. The committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board of Education. The Board of Education is authorized to give this responsibility to the existing bond oversight committee, provided that such committee complies with Education Code Section 15282 with respect to both measures.

Annual Performance Audits. The Board of Education shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in the Bond Project List.

Annual Financial Audits. The Board of Education shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed in the Bond Project List.

Special Bond Proceeds Account: Annual Report to Board. Upon approval of this proposition and the sale of any bonds approved, the Board of Education shall take actions necessary pursuant to Government Code Section 53410 and following to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent of the District shall cause a report to be filed with the Board no later than December 31 of each year, commencing December 31, 2008, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board.

BOND PROJECT LIST

The Bond Project List included below describes the specific projects the Albany Unified School District proposes to finance with proceeds of the bonds. Listed projects or portions thereof will be completed according to Board-established priorities, which may change from time to time. The final cost of each project or portion thereof will be determined as plans are finalized, construction bids are awarded, and projects are completed. Certain construction funds expected from non-bond sources, including State grant funds for eligible projects, have not yet been secured. Until all project costs and funding sources are known, the Board of Education cannot determine the amount of bond proceeds available to be spent on each project, nor guarantee that the bonds will provide sufficient funds to allow completion of all listed projects. Completion

of some projects may be subject to further government approvals by State officials and boards, and to local environmental review. For these reasons, inclusion of a project on the Bond Project List is not a guarantee that the project will be funded or completed.

Each project is assumed to include its share of costs of the election and bond issuance, construction management, architectural, engineering, inspection and other planning costs, legal, accounting and similar fees, independent annual financial and performance audits, a customary contingency for unforeseen design and construction costs, and other costs incidental to and necessary for completion of the listed projects (whether work is performed by the District or by third parties)

Albany School District Community Pool (1311 Portland Avenue near Key Route)

Replace existing swimming pool with new swimming pool for student, adult school, athletic competition, and Albany community use

Construct small therapy/instructional pool

Demolish and reconstruct existing building(s) to house pools and related facilities

Build locker rooms, showers, bathrooms, storage, office and related facilities

Furnish and equip constructed facilities

Demolish existing food service area and replace, relocate, or provide food service capacity through remodeling and/or acquiring/installing new equipment

Construct additional classrooms

Possible incidentals:

Necessary site preparation/restoration, and other incidental work, including disabled access, code compliance, ingress and egress, parking, toxic materials remediation, utilities, drainage, landscaping and irrigation, and acquiring any necessary easements, licenses, or rights of way to the property

Mitigation projects required by environmental impact reports (EIRs).

Rent or construct storage facilities and other space on an interim basis, as needed to accommodate construction materials, equipment, and personnel, and interim classrooms (including relocatables) for students, school or district functions, or storage for classroom materials displaced during construction

Acquisition of any portion of the listed project through temporary lease or lease-purchase arrangements, including rent paid to provide alternative pool facilities during construction; execute purchase option under a lease for any portion of the listed project.

TAX RATE STATEMENT FOR BOND MEASURE E

An election will be held in the Albany Unified School District (the "District") on February 5, 2008, to authorize the sale of up to \$10,000,000 in bonds of the District to finance school facilities as described in the proposition. If the bonds are approved, the District expects to sell the bonds in two series. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The information presented in numbered paragraphs 1-3 below is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California.

1. The best estimate of the tax which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is zero cents per \$100 (\$0.00 per \$100,000) of assessed valuation in fiscal year 2008-09.

2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is zero cents per \$100 (\$0.00 per \$100,000) of assessed valuation in fiscal year 2010-11.

3. The best estimate of the highest tax rate which 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 six cents per \$100 (\$60.00 per \$100,000) of assessed valuation in fiscal year 2018-19.

The District intends to structure the proposed bonds so that the estimated maximum combined tax rate needed to repay all of the District's bonds will not increase as a result of the issuance of the proposed bonds.

Voters should note that the estimated tax rates are based on the **ASSESSED VALUE** of taxable property in the District as shown on the County's official tax roles, not on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

The foregoing information is based upon the District's projections and estimates. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount and repayment structure of bonds sold, 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 and repayment structure of bonds sold at any given time will be determined by the District based on its need for construction funds and other factors, including the legal limitations on bonds approved by a 55% vote. 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 County Assessor in the annual assessment and the equalization process.

Dated: November, 15, 2007.

s/WILLIAM WONG
Superintendent
Albany Unified School District