

RESOLUTION NO. 17-18/008

Resolution of the Board of Education of Centinela Valley Union High School District Evidencing Support for a Proposed Legislative Action Changing the Language of Education Code Section 35582

WHEREAS, Centinela Valley Union High School District (the “District”), a public school district organized and existing under the laws of the State of California (the “State”), has previously collaborated with Wiseburn School District, a public school district organized and existing under the laws of the State which has since unified and is operating as Wiseburn Unified School District (“Wiseburn”), on certain matters; and

WHEREAS, the District and Wiseburn are committed to continue to work on a collaborative basis on legislation affecting their respective school districts;

WHEREAS, in 2012, the Board of Education of the District (the “Board”) and the governing board of Wiseburn approved the formation of a joint exercise of powers authority under Section 6500 *et seq.* of the Government Code of the State; and

WHEREAS, the District and Wiseburn subsequently created the Local Public Schools Funding Authority (the “Authority”) to issue, among things, general obligation bonds to benefit one or both of the member school districts (collectively, “Bonds”); and

WHEREAS, in 2012, the District and Wiseburn worked together to support legislation (Senate Bill 477) affecting the organization of Wiseburn, the impact of that organization on the District and the apportionment of the respective debt limitations upon the two school districts, resulting, among other things, in the creation of Section 35582 of the Education Code of the State (“Section 35582”); and

WHEREAS, it now appears to the District and to Wiseburn that the current language of Section 35582 does not accurately reflect the original intent of the stakeholders, in that the issuance of Bonds by the Authority may create a disparate impact on the debt limitation applicable to Wiseburn; and

WHEREAS, Wiseburn has caused certain language to be drafted as an amendment to Section 35582, substantially in the form appended hereto as Exhibit A (the “Proposed Amendment”), and requests that the Board support the Proposed Amendment by adopting this Resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Centinela Valley Union High School District as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. Following review by members of the Board and staff, the Board has determined that the Proposed Amendment appears to remedy the perceived disparate impact of the current language of Section 35582 on the District and Wiseburn.

Section 3. The Board supports the request of Wiseburn to solicit State Assemblywoman Autumn Burke to draft and sponsor legislation substantially in the form of the Proposed Amendment in order to correct the language of Section 35582.

Section 4. The Superintendent of the District is hereby directed to provide an executed copy of this Resolution to Wiseburn in order to evidence the foregoing support of the Board and to take any further action he deems necessary or advisable in order to further the purposes of this Resolution.

Section 5. This Resolution will take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Education of Centinela Valley Union High School District at a regular meeting thereof, duly noticed in accordance with law and at which a quorum of its members were present and acting throughout, held at a location freely accessible to the public in Lawndale, California, on the 10th day of October, 2017, by the following roll-call vote:

AYES: _____

NOES: _____

ABSENT/ABSTAIN: _____

CENTINELA VALLEY UNION HIGH
SCHOOL DISTRICT

By _____

President
Board of Education

ATTEST:

By _____

Clerk
Board of Education

EXHIBIT A

PROPOSED AMENDMENT TO EDUCATION CODE SECTION 35582

California Code, Education Code - EDC § 35582

(a) The bonding limit applicable to the Wiseburn Unified School District shall be equal to the sum of both of the following:

(1) The limit specified in Section 15106 , as applied to all taxable real property within the Wiseburn Unified School District zoned for residential purposes of any classification by reference to the general plan of the County of Los Angeles or any other zoning ordinance applicable to the territory.

(2) The limit specified in Section 15102 , as applied to all taxable property within the territory of the Wiseburn Unified School District other than real property zoned for residential purposes of any classification by reference to the general plan of the County of Los Angeles or any other zoning ordinance applicable to the territory.

(b) Notwithstanding Section 35543 or any other law, the bonding limit applicable to the Centinela Valley Union High School District shall be equal to the sum of both of the following:

(1) The limit specified in Section 15102 , as applied to all taxable property within the Centinela Valley Union High School District.

(2) The limit specified in Section 15102 , as applied to all taxable property within the territory of the Wiseburn Unified School District other than real property zoned for residential purposes of any classification by reference to the general plan of the County of Los Angeles or any other zoning ordinance applicable to the territory.

(c) The bonding limit applicable to bonds payable from ad valorem property taxes of a joint powers authority created by the Wiseburn School District and the Centinela Valley Union High School District or the two surviving districts, acting together pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code), shall be equal to the sum of the respective bonding limits applicable to the members of such authority.

(d) If the Local Public Schools Funding Authority created by the Wiseburn School District and the Centinela Valley Union High School District, or the two surviving districts, acting together pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code), maintains outstanding bonded indebtedness issued pursuant to Chapter 1 (commencing with Section 15100), Chapter 1.5 (commencing with Section 15264), or Chapter 2 (commencing with Section 15300), of Part 10 of Division 1 of Title 1, the bonded indebtedness shall be allocated to the Wiseburn Unified School District and

the Centinela Valley Union High School District, respectively, for purposes of the calculation of debt capacity pursuant to the bonding limits set forth in subdivisions (a) and (b), ~~in proportionate amounts calculated based on the assessed value of taxable property within each respective school district securing repayment of the bonds.~~ (1) as to bonds issued under authorizations approved by voters prior to January 1, 2018, including refunding bonds issued thereafter and related to such bonds, in proportionate amounts calculated based on the assessed value of taxable property within each respective school district securing repayment of the bonds, and (2) as to bonds issued under authorizations approved by voters following January 1, 2018, in proportionate amounts calculated based on the amount of proceeds of the bonds of such series expended for projects within each respective school district. (e) This section does not prohibit the Wiseburn Unified School District or the Centinela Valley Union High School District from seeking a waiver pursuant to Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2 or any other similar law of the bonding limits of this section or any other applicable statutory bonding limit.