

For a Listing of Upcoming Board Meetings See Page vi of this Table of Contents
Santa Monica-Malibu Unified School District
Board of Education Meeting
AGENDA

November 15, 2012

A regular meeting of the Santa Monica-Malibu Unified School District Board of Education will be held on **Thursday, November 15, 2012**, in the **District Administrative Offices**: 1651 16th Street, Santa Monica, CA. The Board of Education will call the meeting to order at 4:30 p.m. in the Board Conference Room at the District Offices, at which time the Board of Education will move to Closed Session regarding the items listed below. The public meeting will reconvene at 5:30 p.m. in the Board Room.

The public meeting will begin at 5:30 p.m.

Note:

Public Comments: Persons wishing to address the Board of Education regarding an item scheduled for this meeting must submit the "Request to Address" card prior to consideration of that item. Persons wishing to address the Board of Education regarding an item not scheduled on this meeting's agenda may speak during the Public Comments section by submitting the "Request to Address" card at the beginning of the meeting. The same card is used for either option and is printed in both Spanish and English. Cards are located with meeting materials just outside the meeting room. Completed cards should be submitted to the Recording Secretary.

Time Certain Items: Those items listed for a specified time (marked in the margin) are so noted to give the public an indication of when the Board will hear that item. However, if it is prudent to do so, the Board may adjust the time stamp to complete an item currently on the floor, but will not delay the time stamped item for more than fifteen (15) minutes.

CLOSED SESSION (4:30-5:30 p.m.)

I. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY

Persons wishing to address the Board of Education regarding an item scheduled for closed session must submit the "Request to Address" card prior to the start of closed session.

II. CLOSED SESSION (60)

- Public Employee Discipline/Dismissal/Release pursuant to GC §54954.5 (5)
- Conference with Legal Counsel: Anticipated Litigation pursuant to GC §54956.9(c) (1 of case). (15)
- Conference with Legal Counsel: Existing Litigation pursuant to GC §54956.9(a) (1 case: Malibu Community Preservation Alliance and Malibu Township Council, Inc. v. City of Malibu, City Council of Malibu, and SMMUSD, LA County Superior Court Case # BS138633). (10)
- Conference with Legal Counsel: Existing Litigation pursuant to GC §54956.9(a) (Dionne Evans *ad litem* Endora Jones v. Santa Monica-Malibu Unified School District, Malibu High School, Jennifer Gonzalez, Mark Kelly, LA County Superior Court Case # SC118413). (10)
- Receipt of Recommendation for Approval of Proposed Settlement Cases pursuant to GC §54956.9(b): (10)
DN-1002-12/13
- Conference with Labor Negotiators pursuant to GC §54957.6 (Superintendent, S.M.M.C.T.A.) (5)
- Conference with Labor Negotiators pursuant to GC §54957.6 (Superintendent, S.E.I.U.) (5)

If you will require accommodation to participate in the Board meeting, please notify the Superintendent's Office at least one day prior to the meeting.

Board of Education Meeting AGENDA: November 15, 2012

OPEN SESSION (5:30 p.m.)

III. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance

IV. APPROVAL OF THE AGENDA

V. APPROVAL OF MINUTES

- A.01 November 1, 2012 1

VI. STUDY SESSION (60)

These items are staff presentations and/or updates to the Board of Education.

- S.01 Santa Monica-Malibu Education Foundation Fundraising Plan (60)2

VII. BOARD OF EDUCATION – COMMENDATIONS / RECOGNITIONS (0)

VIII. CONSENT CALENDAR (30)

As agreed by the President, Vice President, and Superintendent during agenda planning, consent agenda items are considered routine, require no discussion, and are normally approved all at once by the Board of Education. However, members of the Board of Education, staff, or the public may request an item be moved from the consent agenda to Section XI (Major Items) for clarification and/or discussion.

Curriculum and Instruction

- A.02 Approval of Independent Contractors.....3-4
- A.03 Conference and Travel Approval Ratification5-6
- A.04 Overnight Field Trip(s) 2012-137-8
- A.05 Supplemental Textbooks.....9
- A.06 Approval of Special Education Contracts – 2011-201210-12
- A.07 Approval of Special Education Contracts – 2012-201313-15

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- A.08 Award of Purchase Orders – 2012-2013.....16-16b
- A.09 Acceptance of Gifts – 2012-13.....17-21

Measure BB

- A.10 Amendment to Contract – Lease Leaseback – Edison
Language Academy – New Construction – Swinerton
Builders – Measure BB.....22-23
- A.11 Amendment to Contract – Lease Leaseback – Edison
Language Academy – New Construction – Swinerton
Builders – Measure BB.....24-25
- A.12 Contract Amendment #20 for Additional Design Services
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Project – Daly Genik Architects – Measure BB.....26-27
- A.13 Amendment to Contract – Lease Leaseback – John
Adams Middle School – Replacement of Classroom
Buildings E, F, & G, New Administration, Modernization
& Site Improvements – Swinerton Builders – Measure BB28-29
- A.14 Award of General Services Administration Contract to
Simplex Grinnell for Washington South/West Fire Alarm
Project – Measure BB30
- A.15 Ratify Award of Bid #12.02.BB – Membrane Bioreactor
Wastewater Equipment, for the Malibu High School
Campus Improvement Project – Lowest Responsive
Responsible Bidder – Measure BB.....31-32

If you will require accommodation to participate in the Board meeting, please notify the Superintendent's Office at ii least one day prior to the meeting.

A.16	Contract Amendment #2 to Ninyo & Moore for Tension Rod Testing and Contractor Allowance – Olympic High School Modernization Project.....	33-34
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A.17	Certificated Personnel – Elections, Separations.....	35-39
A.18	Classified Personnel – Merit	40-43
A.19	Classified Personnel – Non-Merit.....	44

General

A.20	Revise BP 3511.1 – Integrated Waste Management.....	45-47
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IX. PUBLIC COMMENTS

Public Comments is the time when members of the audience may address the Board of Education on items not scheduled on the meeting's agenda. All speakers are limited to two (2) or three (3) minutes, depending on the number of speakers. The Brown Act (Government Code) states that Board members may not engage in discussion of issues raised during Public Comments, except to ask clarifying questions, make a brief announcement, make a brief report on his or her own activities, or to refer the matter to staff. This Public Comment section is limited to twenty (20) minutes. If the number of persons wishing to address the Board of Education exceeds the time limit, additional time will be provided in **Section XVI. CONTINUATION OF PUBLIC COMMENTS.**

X. COMMUNICATIONS (30)

The Communications section provides an opportunity for the Board of Education to hear reports from the individuals or committee representatives listed below. All reports are limited to 5 minutes or less. However, if more time is necessary, or if a report will not be presented, please notify the Board secretary eight workdays prior to the date of the meeting.

A. Student Board Member Reports (15)

Yuri Kawashima – Santa Monica High School

Yasi Afsharnive – Malibu High School

Sean Azoulay – Olympic High School

B. SMMCTA Update – Mr. Anthony Fuller (5)

C. S.E.I.U. Update – Ms. Keryl Cartee-McNeely (5)

D. PTA Council – Ms. Patti Braun (5)

XI. SUPERINTENDENT'S REPORT (5)

DISCUSSION and MAJOR Items

As a general rule, items under DISCUSSION and MAJOR will be listed in an order determined by the President, Vice President, and Superintendent. Individual Board members may move to request a change in the order prior to consideration of any Major item. The Board may also move any of these items out of order to be heard immediately following PUBLIC COMMENTS if it appears that there is special interest by the public or as a courtesy to staff members making presentations to the Board.

XII. DISCUSSION ITEMS (105)

These items are submitted for discussion. Any action that might be required will generally be scheduled for the next regularly scheduled meeting of the Board.

D.01	Consider Adopting Master Agreement between the Santa Monica-Malibu Education Foundation and the Santa Monica-Malibu Unified School District (SMMUSD) (45).....	48-48n
D.02	Consider Revising BP and Adopting AR 7310 – Naming of Facility Facilities and Programs (30).....	49-55
D.03	2012 Summer Programs Update (30)	56

If you will require accommodation to participate in the Board meeting, please notify the Superintendent's Office at **iii** least one day prior to the meeting.

Board of Education Meeting AGENDA: November 15, 2012

XIII. MAJOR ITEMS (90)

These items are considered to be of major interest and/or importance and are presented for **ACTION (A)** at this time. Many have been discussed by the Board at a previous meeting.

6:45 pm

- A.21 Adopt Resolution No. 12-08 – Support for Conflict-Free Minerals in Electronic Products (15).....57-59
- A.22 Approve Charges for District Advisory Committees (DACs) – 2012-13 (5).....60-61
- A.23 Adopt Resolution No. 12-09 – Authorizing the Issuance of Santa Monica-Malibu Unified School District 2012 General Obligation Refunding Bonds and Approving the Forms of Purchase Contract, Escrow Agreement and Preliminary Official Statement for Such Refunding Bonds (20) 62-62w
- A.24 Adopt Resolution No. 12-10 – Authorizing the Issuance of Santa Monica-Malibu Unified School District (Los Angeles County, California) Election of 2006 General Obligation Bonds, Series D, and Actions Related Thereto (20)63-64am
- A.25 2012-13 Budget Revisions (15).....65-71
- A.26 Nomination for CSBA Delegate Assembly (5).....72-73a

XIV. INFORMATIONAL ITEMS (0)

These items are submitted for the public record for information. These items do not require discussion.

XV. BOARD MEMBER ITEMS (0)

These items are submitted by individual board members for information or discussion, as per Board Policy 9322.

XVI. REQUESTS BY MEMBERS OF THE PUBLIC OR DISTRICT ADVISORY COMMITTEES TO ADDRESS THE BOARD OF EDUCATION

A member of the public may request that a matter within the jurisdiction of the board be placed on the agenda of a regular meeting, as per Board Policy 9322. The request shall be in writing and be submitted to the superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue. The board president and superintendent shall decide whether a request is within the subject matter jurisdiction of the board. Items not within the subject matter jurisdiction of the board may not be placed on the agenda. In addition, the board president and superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

XVII. CONTINUATION OF PUBLIC COMMENTS

A continuation of Section VIII, as needed. (If the number of persons wishing to address the Board of Education exceeds the time limit in section VIII, additional time will be provided in Section **XVI, CONTINUATION OF PUBLIC COMMENTS.**)

XVIII. BOARD MEMBER COMMENTS

Board Member Comments is the section where a Board member may make a brief announcement or report on his/her own activities relative to Board business. There can be no discussion under "BOARD MEMBER COMMENTS."

XIX. FUTURE AGENDA ITEMS

Items for future consideration will be listed with the projected date of consideration. The Board of Education will be given any backup information available at this time.

If you will require accommodation to participate in the Board meeting, please notify the Superintendent's Office at **iv** least one day prior to the meeting.

XX. CLOSED SESSION

The Board of Education will, if appropriate, adjourn to Closed Session to complete discussion on items listed under Section III (Closed Session) following the regular business meeting.

XXI. ADJOURNMENT

This meeting will adjourn to a regular board meeting scheduled for **Thursday, December 13, 2012**, in the **District Administrative Offices**: 1651 16th Street, Santa Monica, CA.

Meetings held at the District Office and in Malibu are taped and rebroadcast in Santa Monica on CityTV2, Cable Channel 20 – Check TV listing.
Meetings are rebroadcast in Malibu on Government Access Ch. 3 every Saturday at 8pm.

SMMUSD Board of Education Meeting Schedule 2012-2013

Closed Session begins at 4:30pm
Public Meetings begin at 5:30pm

July through December 2012					
Month	1 st Thursday	2 nd Thursday	3 rd Thursday	4 th Thursday	Special Note:
July			7/18* DO		*Wednesday, 7/18
August	8/1* M		8/15* DO		*Wednesday, 8/1 *Wednesday, 8/15 First day of school: 8/22
September	9/6 DO	9/15* DO	9/20 DO		*Saturday, 9/15: Retreat
October	10/4 M		10/18 DO		
November	11/1 M		11/15 DO		Thanksgiving: 11/22-23
December		12/13 DO		winter break	
Winter Break: December 24 – January 4					
January through June 2013					
Winter Break: December 24 – January 4					
January		1/17 DO			
February	2/7 M		2/21 DO		
March	3/7 3/5* DO		3/21 M	spring break	*Tuesday, 3/5
Spring Break: March 25 – April 5					
April	spring break		4/18 DO		
May	5/2 M		5/16 DO		
June	6/6 DO			6/26* DO	Last day of school: 6/11 *Wednesday: 6/26

District Office (DO): 1651 16th Street, Santa Monica.
 Malibu City Council Chambers (M): 23825 Stuart Ranch Road, Malibu, CA

If you will require accommodation to participate in the Board meeting, please notify the Superintendent's Office at vi@smusd.net at least one day prior to the meeting.
 Board of Education Meeting AGENDA: November 15, 2012

TO: BOARD OF EDUCATION
FROM: SANDRA LYON
RE: APPROVAL OF MINUTES

ACTION
11/15/12

RECOMMENDATION NO. A.01

It is recommended that the Board of Education approve the following Minutes:

November 1, 2012

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

STUDY SESSION

TO: BOARD OF EDUCATION

DISCUSSION

11/15/12

FROM: SANDRA LYON

RE: SANTA MONICA-MALIBU EDUCATION FOUNDATION FUNDRAISING PLAN

STUDY SESSION ITEM NO. S.01

Dr. Paul Lanning, a consultant from RPR Fundraising, will present the Santa Monica-Malibu Education Foundation Fundraising Plan. Dr. Lanning spent several months meeting and engaging with various stakeholders in our community: school principals, PTAs, PTA Council, PTA presidents, the Superintendent's Advisory Group (SAG), the Fiscal Oversight Committee (FOC), SMMUSD Board of Education members, and the SMMEF Board of Directors.

Using the information gathered from these meetings, Dr. Lanning has developed a fundraising plan designed to meet our goals. Dr. Lanning has taken community concerns into consideration; the plan presented this evening has undergone two revisions. The Board of Education will have the opportunity to hear the components of the plan, which is the road map for reaching our Centralized Fundraising goals.

CONSENT ITEMS

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDRA LYON / CHIUNG-SALLY CHOU / JANECE L. MAEZ /
PEGGY HARRIS / STUART SAM

RE: APPROVAL OF INDEPENDENT CONTRACTORS

RECOMMENDATION NO. A.02

It is recommended that the Board of Education enter into an agreement with the following Independent Contractors. These contracts are included in the 2011-2012 budget.

Contractor/ Contract Dates	Description	Site	Funding (Measure BB)
NONE			

Contractor/ Contract Dates	Description	Site	Funding
Art meets Technology 7/1/12 to 6/30/13 Amend Amount: not to exceed: \$3,000	Maintenance of Barnum Hall website along with Facility Permit, Theater Operations & Filming pages	Business Services: Theater Operations and Facility Permits	01-90110-0-81000-54000-5802-046-2460
Bud Coffey 7/1/12 to 6/30/13 Amend Amount: not to exceed: \$8,000	To perform specialized technical theatre support for Theatre Operations rentals in Barnum Hall and other District Theaters.	Business Services: Theater Operations & Facility Permits	01-90110-0-81000-54000-5802-046-2460
Family Services of Santa Monica 8/22/12 to 6/11/13 Not to exceed: \$5,000	Provide counseling services for students and their families in all grade levels.	Adams	01-90150-0-11100-10000-5802-011-4110 (Reimbursed by PTA)
County of Los Angeles Sheriff's Department 9/4/12 to 6/30/13 Not to exceed: \$8,351	Provide educational program for middle school students dealing issues related to drugs, alcohol, peer pressure.	Malibu High	100% from 01-90141-0-11100-10000-5802-010-4100 (Shark Fund)

Art of Sarah Banning 10/1/12 to 6/30/13 Not to exceed: \$2,000 <i>(Original contract date of 1/10/12-9/30/12 approved on 3/01/12)</i>	To create illustrations for 3 workshops, a PowerPoint presentation and book for "Sustainability Seen From the Eyes of Children".	Educational Services	01-90220-0-11100-10000-5802-030-1300 (HMC)
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MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ / PAT HO

RE: CONFERENCE AND TRAVEL APPROVAL/RATIFICATION

RECOMMENDATION NO. A.03

It is recommended that the Board of Education approve/ratify the following Requests for Absence on District Business (Conference and Travel) forms.

COMMENTS: Entries are alphabetical, by employee last name. In addition to the employee's name and site/location, each entry contains the following information: name, location and date (s) of the conference, complete account code, fund and program names, and the total estimated cost as provided by the site administrator. The average cost for substitute teachers is \$130/day. This figure is furnished for informational purposes and does not reflect the actual amount paid for an individual substitute.)

AME SITE Account Number Fund – Resource Number	CONFERENCE NAME LOCATION DATE (S)	COST ESTIMATE
<u>DIAZ, Aida</u> Educational Services 01-42030-0-47600-10000-5220-035-1300 General Fund Resource: Title III LEP	LACOE Bilingual Director's Meetings Downey, CA October 5, 2012, - June 7, 2013 (9 Meetings)	\$447
<u>GATES, Janie</u> Olympic High School 01-00000-0-32000-27000-5220-014-4140 General Fund <u>Function:</u> School Administration	iDREAM, iEmpower, iLead San Diego, CA November 8, 2012	\$525
<u>LYON, Sandra</u> District Office No Cost to District	21 st Century Learning Symposium Cerritos, CA October 4, 2012	\$0
<u>SIEMER, Deborah</u> Adult Education 11-00000-0-41100-10000-5220-095-2950 General Fund <u>Function:</u> Instruction	State GED Conference San Diego, CA November 6, 2012	\$510

Adjustments (Preapproved expenses 10% in excess of approved costs that must be approved by Board/Changes in Personnel Attendance)		
NONE		

Group Conference and Travel: In-State		
* a complete list of conference participants is on file in the Department of Fiscal Services		
<u>ALLSTOT, Sean</u> <u>STAUFFER, Aimee</u> Lincoln Middle School 01-00010-0-11100-10000-5220-012-4120 General Fund Function: Instruction	Section 504 in California-PESI Education December 4, 2012 Anaheim, CA	\$450
<u>WOOLVERTON, Sara</u> <u>+ 2 Additional Staff</u> Special Education 01-56400-0-00000-39000-5220-043-1400 General Fund Resource: Medical	Best Practices, Best Solutions 2013 Symposium Monterey, CA January 16-18, 2013	\$1200
<u>LYON, Sandra</u> <u>ALLEN, Ben</u> <u>DE LA TORRE, Oscar</u> <u>LIEBERMAN, Laurie</u> <u>LEON-VAZQUEZ, Maria</u> <u>MECHUR, Ralph</u> Superintendent Office 01-00000-0-00000-71500-5220-020-1200 General Fund Function: Superintendent	CSBA Annual Education Conference and Trade Show November 29-December 1, 2012 Moscone West, San Francisco	\$9,000

Out-of-State Conferences: Individual		
NONE		

Out-of-State Conferences: Group		
NONE		

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

FROM: SANDRA LYON / TERRY DELORIA

RE: OVERNIGHT FIELD TRIP(S) 2012-2013

ACTION/CONSENT
11/15/12

RECOMMENDATION NO. A.04

It is recommended that the Board of Education approve the special field trip(s) listed below for students for the 2012-2013 school year. No child will be denied due to financial hardship.

School Grade # students	Destination Dates of Trip	Principal/ Teacher	Cost Funding Source	Subject	Purpose of Field Trip
Webster 4 th 66	Astrocamp, Idyllwild, CA 5/1/13-5/3/13	P. Cott/ T. Rubin/ L. Rose	\$275 per student paid by parents & fundraising	Science	Students will participate in an exciting series of science seminars in such subjects as geology, rocketry, and astronomy, among others.
Webster 5 th 62	Yosemite National Park, CA 4/8/13-4/12/13	P. Cott/ K. Verham/ K. London	\$575 per student paid by parents & fundraising	Science	Program conducted by Yosemite Institute, a non-profit foundation. Students will receive lessons regarding Native American history and culture, geology, biology, botany, ecology, conservation, and all aspects of plant and animal life.
John Muir 5 th 60	Camp Hess Kramer, Malibu, CA 2/28/13-3/1/13	T. Komlos/ R. Wheeler/ C. Carter	\$310 per student paid by parents & fundraising	Science	A four-day science enrichment program offered to 5th graders will include an array of science classes, daily hikes, evening activities and environmental discussions. This camp is offered through the Los Angeles County Board of Education.
Malibu High School 9 th – 12 th 7	Joshua Tree National Park, CA 11/17/12-11/18/12	J. Block/ B. Corrigan	\$150 by student donation	Math	Annual trip for Calculus DE student to connect topographic maps to Multivariable Calculus through hiking and Guided Rock Climbing (by Vertical Adventures, a well-respected company).
Santa Monica High School 9 th – 12 th 52	San Francisco State University, CODA Honor Orchestras December 6, 2012 – December 8, 2012	L. Fretz/ J. Swenson/ J. Aiello/ two parent chaperones	\$350 per student paid by orchestra students & the Orchestra ASB account	Music	Students successfully auditioned for the California Orchestra Directors Association Honor Orchestra. They will work with a guest conductor and give a concert on the last day.

Santa Monica High School 9 th – 12 th 15	Santa Barbara, CA 12/19/12-12/22/12	L. Fretz/ M. Silvestri	\$300 per student paid with fundraised money	Girls Basketball	Students will be competing in the Nike Tournament of Champions in Santa Barbara, CA.
Santa Monica High School 9 th – 12 th 21	Mt. Hood Community College, Gresham, OR 3/8/13-3/10/13	L. Fretz/ J. Swenson/ J. Aiello/ two parent chaperones	\$500 per student paid with fundraised money	Music	The Chamber Orchestra will compete in the 40 th annual Northwest Orchestra Festival. They will receive a clinic as well as written adjudication and a placement.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDY LYON / TERRY DELORIA / PEGGY HARRIS

RE: SUPPLEMENTAL TEXTBOOKS

RECOMMENDATION NO. A.05

It is recommended that the textbooks listed below be adopted for the Santa Monica-Malibu Unified School District.

COMMENT: In accordance with the Board of Education policy, the textbooks(s) listed below has been on public display for the past two weeks in the Educational Services Department at 1638 – 17th Street, Santa Monica, CA 90404

Wonder, by R.J. Palaccio for grades 3 through 12 District-wide for summer reading list. Adoption requested by Kelly Utz, Lincoln Librarian. (Wonder is the selection for the public library's "Santa Monica Citywide Reads" program).

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDY LYON / TERRY DELORIA / SARA WOOLVERTON

RE: APPROVAL OF SPECIAL EDUCATION CONTRACTS – 2011-2012

RECOMMENDATION NO. A.06

It is recommended that the Board of Education approve the following Special Education Contracts for fiscal year 2011-2012 as follows:

NPS

2011-2012 Budget 01-65000-0-57500-11800-5125-043-1400

Nonpublic School/Agency	SSID	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted NPS 11/12			\$ 1,700,000
Prior Board Authorization as of 9/20/2012			<u>\$ 2,639,516</u>
	Balance		\$ -939,516
Positive Adjustment (See Below)			\$
			\$
Total Amount for these Contracts			<u>\$</u>
	Balance		\$

Adjustment					
NPS Budget 01-65000-0-57500-11800-5125-043-1400					
NPS	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

NPA

2011-2012 Budget 01-65000-0-57500-11800-5126-043-1400

Nonpublic School/Agency	SSID	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted NPA 11/12			\$ 900,000
Prior Board Authorization as of 9/20/2012			<u>\$ 978,362</u>
	Balance		\$ -78,362
Positive Adjustment (See Below)			\$
			\$
Total Amount for these Contracts			<u>\$</u>
	Balance		\$

Adjustment					
NPA Budget 01-65000-0-57500-11800-5126-043-1400					
NPA	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Instructional Consultants

2011-2012 Budget 01-65000-0-57500-11900-5802-043-1400

Instructional Consultant	SSID	Service Description	Contract Number	Cost Not to Exceed
Lindamood-Bell Learning Process	7/28/2002	Specialized Instruction	#77-SPED12224	\$14,600.00

Amount Budgeted Instructional Consultants 11/12	\$ 200,000
Prior Board Authorization as of 9/20/2012	\$ -390,780
Balance	\$ -190,780
Positive Adjustment (See Below)	\$ 0
	\$
Total Amount for these Contracts	\$ 14,600
Balance	\$ -205,380

Adjustment					
Instructional Consultants Budget 01-65000-0-57500-11900-5802-043-1400					
Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Non-Instructional Consultants

2011-2012 Budget 01-65000-0-57500-11900-5890-043-1400

Non-Instructional Consultant	SSID	Service Description	Contract Number	Cost Not to Exceed
Parent Reimbursement	4/25/98	Travel Reimbursement	#78-SPED12225	\$2,000.00
KidAbilities	10/1/03	Sensory Integration	#79-SPED12226	\$1,300.00

Amount Budgeted Non-Instructional Consultants 11/12	\$ 300,000
Prior Board Authorization as of 9/20/2012	605,333
Balance	\$ -305,333
Positive Adjustment (See Below)	\$ 0
	\$
Total Amount for these Contracts	\$ 3,300
Balance	\$ -308,633

Adjustment					
Non-Instructional Consultants Budget 01-65000-0-57500-11900-5890-043-1400					
Non- Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Legal

2011-2012 Budget 01-65000-0-57500-11900-5820-043-1400

Legal Contractor	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted Legal Services 11/12		\$ 200,000
Prior Board Authorization as of 9/20/2012		<u>300,000</u>
	Balance	\$ -100,000
Adjustments for this period		<u>\$</u>
Total Amount for these Contracts		<u>\$</u>
	Balance	\$

Adjustment				
Legal Services Budget 01-65000-0-57500-11900-5820-043-1400				
Legal Contractor	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

COMMENT: According to the Education Code SEC.21 Section 56342, prior to recommending a new or continued placement in a non-public, non-sectarian school, the Individualized Education Program (IEP) Team must submit the proposed recommendation to the local governing board for its review and recommendation regarding the cost of such placement.

The recommendations for these severely handicapped students are made by the District IEP Teams in accordance with State and Federal laws. The mandates of IDEA require non-public school services be provided at no expense to parents if there is not an appropriate public school program available. Funding to come from a SELPA-wide non-public school/non-public agency reserve account.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDY LYON / TERRY DELORIA / SARA WOOLVERTON

RE: APPROVAL OF SPECIAL EDUCATION CONTRACTS – 2012-2013

RECOMMENDATION NO. A.07

It is recommended that the Board of Education approve the following Special Education Contracts for fiscal year 2012-2013 as follows:

NPS

2012-2013 Budget 01-65000-0-57500-11800-5125-043-1400

Nonpublic School/Agency	SSID	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted NPS 12/13		\$ 1,500,000
Prior Board Authorization as of 11/1/12		<u>\$ 2,777,195</u>
	Balance	\$-1,277,195
Positive Adjustment (See Below)		<u>\$</u>
		\$-1,277,195
Total Amount for these Contracts		<u>\$</u>
	Balance	\$-1,277,195

Adjustment					
NPS Budget 01-65000-0-57500-11800-5125-043-1400					
There has been a reduction in authorized expenditures of NPS/NPA contracts for FY 2012-2013 in the amount of \$86,080.00 as of 11/1/12					
NPS	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

NPA

2012-2013 Budget 01-65000-0-57500-11800-5126-043-1400

Nonpublic School/Agency	SSID	Service Description	Contract Number	Cost Not to Exceed
Hear 2 Talk	1/1/99	Audiology Therapy	#46-SPED13084	\$3,375.00
Augmentative Communication Therapies	9/14/99	AAC Intervention	#47-SPED13087	\$3,600.00
Medi-Scan Staffing	VARIOUS	COTA (K Tayal)	#48-SPED13088	\$40,000.00

Amount Budgeted NPA 12/13		\$ 800,000
Prior Board Authorization as of 11/1/12		<u>\$ 875,050</u>
	Balance	\$ -75,050
Positive Adjustment (See Below)		<u>\$ 0</u>
		\$ -75,050
Total Amount for these Contracts		<u>\$ 46,975</u>
	Balance	\$ -122,025

Adjustment					
NPA Budget 01-65000-0-57500-11800-5126-043-1400					
There has been a reduction in authorized expenditures of NPS/NPA contracts for FY 2012-2013 in the amount of \$ 0 as of 11/1/12					
NPA	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Instructional Consultants

2012-2013 Budget 01-65000-0-57500-11900-5802-043-1400

Instructional Consultant	SSID	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted Instructional Consultants 12/13	\$ 300,000
Prior Board Authorization as of 11/1/12	\$ 160,490
Balance	\$ 139,510
Positive Adjustment (See Below)	\$ 0
	139,510
Total Amount for these Contracts	\$ _____
Balance	\$ _____

Adjustment					
Instructional Consultants Budget 01-65000-0-57500-11900-5802-043-1400					
There has been a reduction in authorized expenditures of Instructional Consultants contracts for FY 2012-2013 in the amount of \$0 as of 11/1/12					
Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Non-Instructional Consultants

2012-2013 Budget 01-65000-0-57500-11900-5890-043-1400

Non-Instructional Consultant	SSID	Service Description	Contract Number	Cost Not to Exceed
Parent Reimbursement	4/25/98	Travel Reimbursement	#38-SPED13085	\$3,500.00
Parent Reimbursement	3/6/96	Travel Reimbursement	#39-SPED13086	\$1,500.00

Amount Budgeted Non-Instructional Consultants 12/13	\$ 200,000
Prior Board Authorization as of 11/1/12	\$ 223,440
Balance	\$ -23,440
Positive Adjustment (See Below)	\$ 0
	\$ -23,440
Total Amount for these Contracts	\$ 5,000
Balance	\$ -28,440

Adjustment					
Non-Instructional Consultants Budget 01-65000-0-57500-11900-5890-043-1400					
There has been a reduction in authorized expenditures of Non-Instructional Consultants contracts for FY 2012-2013 in the amount of \$26,250.00 as of 11/1/12					
Non- Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Legal

2012-2013 Budget 01-65000-0-57500-11900-5820-043-1400

Legal Contractor	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted Legal Services 12/13		\$ 150,000
Prior Board Authorization as of 11/1/12		<u>150,000</u>
	Balance	\$ 0.00
Adjustments for this period		<u>\$ 0</u>
Total Amount for these Contracts		<u>\$</u>
	Balance	\$ 0.00

Adjustment				
Legal Services Budget 01-65000-0-57500-11900-5820-043-1400				
There has been a reduction in authorized expenditures of Legal Services contracts for FY 2012-2013 in the amount of \$ 0 as of 11/1/12				
Legal Contractor	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

COMMENT: According to the Education Code SEC.21 Section 56342, prior to recommending a new or continued placement in a non-public, non-sectarian school, the Individualized Education Program (IEP) Team must submit the proposed recommendation to the local governing board for its review and recommendation regarding the cost of such placement.

The recommendations for these severely handicapped students are made by the District IEP Teams in accordance with State and Federal laws. The mandates of IDEA require non-public school services be provided at no expense to parents if there is not an appropriate public school program available. Funding to come from a SELPA-wide non-public school/non-public agency reserve account.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: AWARD OF PURCHASE ORDERS – 2012-13

RECOMMENDATION NO. A.08

It is recommended that the Board of Education approve the following Purchase Orders and Changed Purchase Orders from October 24, 2012, through November 1, 2012, for fiscal /13.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF NOVEMBER 15, 2012

U-GENERAL FUND, UNRESTRICTED R-GENERAL FUND, RESTRICTED A-ADULT ED CD-CHILD DEVELOPMENT F-CAFETERIA
 SF-SPECIAL FINANCING (FLEX) BB,X-BONDS D-DEVELOPER FEES SR-SPECIAL RESERVE CAPITAL
 DF-DEFERRED MAINTENANCE SM-STATE MODERNIZATION

PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
*** NEW PURCHASE ORDERS ***					
132424	ADVANCED ELECTRONICS	8Radios, 3Speakers, 3Surveillans	THEATER OPERATIONS&FACILITY PR	3,758.19	R
132210	ATLANTIC EXPRESS OF LA INC	BUS TRANSPORTATION	PT DUME ELEMENTARY SCHOOL	1,540.00	R
132386	BALI CONSTRUCTION INC	STORM DRAIN CONNECTION	SANTA MONICA HIGH SCHOOL	44,573.00	BB
132402	BARNES & NOBLE/SANTA MONICA	Teacher Supply-Rachel Ellege	SPECIAL EDUCATION REGULAR YEAR	132.38	R
132392	BUS WEST	Parts - Transportation Dept.	TRANSPORTATION	1,101.00	R
132387	CALIFORNIA OFFICE SYSTEMS INC	Open PO for supplies	FRANKLIN ELEMENTARY SCHOOL	2,000.00	U
132389	CALIFORNIA OFFICE SYSTEMS INC	CLASSROOM AND OFFICE SUPPLIES	OLYMPIC CONTINUATION SCHOOL	300.00	R
132396	CANON BUSINESS SOLUTIONS-WEST	ANNUAL MAINTENANCE AGREEMENT	WILL ROGERS ELEMENTARY SCHOOL	3,779.82	U
132412	CDW-G COMPUTING SOLUTIONS	INSTRUCTIONAL SUPPLIES	R O P	529.51	R
132417	CDW-G COMPUTING SOLUTIONS	IPAD CASE	SANTA MONICA HIGH SCHOOL	68.55	R
132461	CDW-G COMPUTING SOLUTIONS	RAM for Server	INFORMATION SERVICES	1,815.52	U
132495	CHEVRON U.S.A. INC.	OPERATIONS GASOLINE SUPPLIES	FACILITY OPERATIONS	10,000.00	U
132354	CHILDRENS BOOK WORLD	INSERVICE SUPPLIES	SAINT ANNE'S PRIVATE SCHOOL	300.00	R
132474	COMTRONICS	SPEAKERS FOR BARNUM HALL	THEATER OPERATIONS&FACILITY PR	1,636.57	R
132397	DELORIA, TERRY	REIMBURSEMENT PD MATERIALS	CURRICULUM AND IMC	125.90	U
132343	DEPT OF GENERAL SERVICES	ADMINISTRATIVE HEARINGS	PERSONNEL SERVICES	1,000.00	U
132458	DLT SOLUTIONS LLC	Mailbox Maintenance	INFORMATION SERVICES	230.23	U
132408	DURHAM TRANSPORTATION	FIELD TRIP TO GRIFFITHS OBSERV	WEBSTER ELEMENTARY SCHOOL	500.00	R
132492	EDITORIAL PROJECTS IN ED INC	OTHER OPERATING EXPENSES	BOE/SUPERINTENDENT	42.61	U
132381	FAST DEER BUS CHARTER INC	FIELD TRIP BUS TRANS/SCI MAG	JOHN ADAMS MIDDLE SCHOOL	7,560.00	R
132490	FREESTYLE PHOTO SUPPLIES	PHOTO CLASS SUPPLIES	SANTA MONICA HIGH SCHOOL	91.45	R
132233	GALE SUPPLY CO	SUPPLIES	MCKINLEY ELEMENTARY SCHOOL	38.78	U
132401	GALE SUPPLY CO	custodial supplies	GRANT ELEMENTARY SCHOOL	168.46	U
132410	GALE SUPPLY CO	CUSTODIAL	CHILD DEVELOPMENT CENTER	426.62	CD
132411	GALE SUPPLY CO	CUSTODIAL	CHILD DEVELOPMENT CENTER	722.47	CD
132482	HERITAGE FOOD SERVICES GROUP	GASKET FOR ROOSEVELT-2ND DOOR	FOOD SERVICES	112.07	F
132400	HERO ENTERPRISES INC	SHEET MUSIC	CURRICULUM AND IMC	233.73	U
132414	HISONIC	Classroom amplifier system	FRANKLIN ELEMENTARY SCHOOL	146.56	U
132376	HOME DEPOT- L.A.	GARDENING	OLYMPIC CONTINUATION SCHOOL	200.00	R
132470	HOME DEPOT- L.A.	OPEN ORDER/SCIENCE	CHILD DEVELOPMENT CENTER	50.00	CD
132180	HOUGHTON MIFFLIN HARCOURT	MATERIALS FOR SPECIAL ED CLASS	EDISON ELEMENTARY SCHOOL	68.07	R
132465	INTELLI-TECH	ALL IN ONE DESKTOP	FACILITY MAINTENANCE	870.02	R
132406	INTERNATIONAL PAPER	COPY PAPER	SANTA MONICA HIGH SCHOOL	3,736.80	U
132393	JW PEPPER OF LOS ANGELES	OPEN ORDER: SHEET MUSIC	LINCOLN MIDDLE SCHOOL	1,500.00	R
132407	KORADE & ASSOCIATE BUILDERS	CONSTRUCTION	SANTA MONICA HIGH SCHOOL	3,126.00	R
132355	LAKESHORE	OPEN ORDER/INSTRUCTIONAL	CHILD DEVELOPMENT CENTER	300.00	CD
132469	LAKESHORE	OPEN ORDER/INSTRUCTIONAL	CHILD DEVELOPMENT CENTER	200.00	CD
132463	MUSIC IN MOTION	CURR SUPPLIES/GIFT VOCAL MUSIC	JOHN ADAMS MIDDLE SCHOOL	816.36	R
132378	NETWORLDS SOLUTIONS INC	LOW VOLTAGE	CHILD DEVELOPMENT CENTER	44,850.00	D
132394	NICK RAIL MUSIC	OPEN ORDER: MUSIC SUPPLIES	LINCOLN MIDDLE SCHOOL	500.00	R
132420	NICK RAIL MUSIC	DRUM SUPPLIES	CURRICULUM AND IMC	655.50	R
132426	OLIVER WORLDCLASS LABS INC	RECEIVER REPLACEMENT	JOHN ADAMS MIDDLE SCHOOL	465.69	BB
132398	PEARSON EDUCATION #1	Workbooks and Answer Key	LINCOLN MIDDLE SCHOOL	365.28	R
132432	POSTMASTER-SANTA MONICA	POSTAGE	SANTA MONICA HIGH SCHOOL	1,287.00	U
132391	R G ENTERPRISES	smog testing - Transp. Dept.	TRANSPORTATION	680.00	R
132413	REFRIGERATION SUPPLIES	HVAC SUPPLIES	FACILITY MAINTENANCE	3,000.00	R
132441	SCHOOL HEALTH CORPORATION	nurse supplies	GRANT ELEMENTARY SCHOOL	74.78	U
132475	SCHOOL HEALTH CORPORATION	THERMOMETER/NURSE'S SUPPLIES	PT DUME ELEMENTARY SCHOOL	165.72	U
132395	SEACOAST MEDICAL LLC	FLU VACCIN	HEALTH SERVICES	1,444.15	U

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

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PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF NOVEMBER 15, 2012

U-GENERAL FUND,UNRESTRICTED R-GENERAL FUND,RESTRICTED A-ADULT ED CD-CHILD DEVELOPMENT F-CAFETERIA
SF-SPECIAL FINANCING (FLEX) BB,X-BONDS D-DEVELOPER FEES SR-SPECIAL RESERVE CAPITAL
DF-DEFERRED MAINTENANCE SM-STATE MODERNIZATION

PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
132377	SEHI COMPUTER PRODUCTS	ink for printers	GRANT ELEMENTARY SCHOOL	541.74	U
132385	SEHI COMPUTER PRODUCTS	INK CARTRIDGE	OLYMPIC CONTINUATION SCHOOL	119.95	R
132446	SEHI COMPUTER PRODUCTS	FAX TONER	WILL ROGERS ELEMENTARY SCHOOL	105.96	U
132375	SHIFFLER WEST EQUIPMENT SALES	GENERAL MAINT HARDWARE	FACILITY MAINTENANCE	500.00	R
132382	SIR SPEEDY PRINTING #0245	BUSINESS CARDS/COM LIAISON	JOHN ADAMS MIDDLE SCHOOL	44.52	U
132440	SIR SPEEDY PRINTING #0245	ccs ELA and Math booklets	FRANKLIN ELEMENTARY SCHOOL	283.72	U
132493	SMART & FINAL	OPEN ORDER/REFRESH/ELAC MTGS	JOHN ADAMS MIDDLE SCHOOL	300.00	R
132442	SOUTHWEST SCHOOL SUPPLY	butcher paper for office	GRANT ELEMENTARY SCHOOL	411.94	R
132416	STEVEN ORI JR	BROCHURE WINTER/SPRING	ADULT EDUCATION CENTER	1,124.62	A
132356	TARGET STORES	OPEN ORDER/INSTRUCTIONAL	CHILD DEVELOPMENT CENTER	200.00	CD
132457	TECHSMITH CORPORATION	Software	INFORMATION SERVICES	233.75	U
132450	THERAPY SHOPPE INC	FitBall Chair	WEBSTER ELEMENTARY SCHOOL	511.52	R
132422	TUFF SHED	Tuff Shed for Barnum storage	THEATER OPERATIONS&FACILITY PR	8,179.80	R
132428	TUMBLEWEED TRANSPORTATION	FIELD TRIP NAT. HISTORY	EDISON ELEMENTARY SCHOOL	650.00	R
132435	TUMBLEWEED TRANSPORTATION	CHARTER BUSES: MAGIC MOUNTAIN	LINCOLN MIDDLE SCHOOL	3,500.00	R
132342	U S BANK (GOVT CARD SERVICES)	STUDENT OBSERVATION	SPECIAL EDUCATION REGULAR YEAR	292.35	R
132489	U S BANK (GOVT CARD SERVICES)	OTHER OPERATING EXPENSES	BOE/SUPERINTENDENT	5,000.00	U
132409	VONS MARKET-SANTA MONICA	OPEN ORDER/COOKING & SCIENCE	CHILD DEVELOPMENT CENTER	50.00	CD
132471	VONS STORE #2262	OPEN ORDER/COOKING & SCIENCE	CHILD DEVELOPMENT CENTER	50.00	CD
132380	W.W. GRAINGER INC.	Back Support per Gary Bradbury	SPECIAL EDUCATION REGULAR YEAR	35.72	R
132480	WAHRENBROCK,SARAH	GENERAL SUPPLIES/MATERIALS	BOE/SUPERINTENDENT	88.13	U
132429	WALTERS WHOLESALE ELECTRIC CO	ELECTRICAL/LIGHTING SUPPLIES	FACILITY MAINTENANCE	5,000.00	R
132404	WAXIE SANITARY SUPPLY	Urinal inserts	FRANKLIN ELEMENTARY SCHOOL	237.62	U
132468	WESTERN FENCE & SUPPLY CO	FENCE & GATE INSTALL-DISTRICT	FACILITY MAINTENANCE	16,445.00	R
				** NEW PURCHASE ORDERS	191,195.13

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ / PAT HO

RE: ACCEPTANCE OF GIFTS – 2012/2013

RECOMMENDATION NO. A.09

It is recommended that the Board of Education accept, with gratitude, checks and gifts totaling \$18,977.29 presented to the Santa Monica-Malibu Unified School District.

It is further recommended that the Fiscal/Business Services Office, in accordance with Educational Code §42602, be authorized to increase the 2012-2013 income and appropriations by \$18,977.29 as described on the attached listing.

This report details only gifts of cash or non-cash items. It includes all contributions made by individuals or companies and some of the contributions made by our PTAs. Contributions made by a PTA in the form of a commitment and then billed are reported in a different resource. A final report that compiles all gift, PTA and Equity Fund contributions is prepared and available annually.

COMMENT: The value of all non-cash gifts has been determined by the donors.

NOTE: The list of gifts is available on the District's website, www.smmusd.org.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

BOE Date: 11/15/12

Current Gifts and Donations 2012/2013

School/Site Account Number		Equity Fund 15% Contrib.	In-kind Value	Donor	Purpose
JAMS	\$ 1,475.00	\$ -		Various	General Supplies and Materials
01-90120-0-00000-00000-8699-011-0000	\$ 850.00	\$ 150.00		Bell Giving & Paramount Community Giving	General Supplies and Materials
	\$ 40.00	\$ -		Various	General Supplies and Materials
	\$ 23.94	\$ 4.23		Planet Aid, Inc.	General Supplies and Materials
Adult Education					
11-90120-0-00000-00000-8699-090-0000					
Alternative (SMASH)					
01-90120-0-00000-00000-8699-009-0000					
Cabrillo	\$ 408.00	\$ -		Various	Direct Cost-Intra Fund
01-90120-0-00000-00000-8699-017-0000		\$ -			
		\$ -			
CDS			\$ 40.00	Jeff Faeth	4 Gallons of Tempera Paint
12-90120-0-00000-00000-8699-070-0000	\$ 30.00	\$ -		Betsy Diaz	General Supplies and Materials
Edison		\$ -			
01-90120-0-00000-00000-8699-001-0000					
Franklin					
01-90120-0-00000-00000-8699-002-0000					
Grant					
01-90120-0-00000-00000-8699-003-0000					
Lincoln		\$ -			
01-90120-0-00000-00000-8699-012-0000		\$ -			
Malibu High School		\$ -			
01-90120-0-00000-00000-8699-010-0000		\$ -			
		\$ -			
McKinley	\$ 8,278.12	\$ -		Various	General Supplies and Materials
01-90120-0-00000-00000-8699-004-0000					
Muir					
01-90120-0-00000-00000-8699-005-0000					
Olympic HS	\$ 300.00	\$ -		Donald Murchie	General Supplies and Materials
01-90120-0-00000-00000-8699-014-0000	\$ 200.00	\$ -		Marsha Moutrie	General Supplies and Materials

BOE Date: 11/15/12

Current Gifts and Donations 2012/2013

School/Site Account Number	Gift Amount	Equity Fund 15% Contrib.	In-kind Value	Donor	
Rogers 01-90120-0-00000-00000-8699-006-0000	\$ 2,413.00 \$ 660.00	\$ - \$ - \$ - \$ -		Various Various	Other Operating Expense Other Operating Expense
Roosevelt 01-90120-0-00000-00000-8699-007-0000					
Samohi 01-90120-0-00000-00000-8699-015-0000	\$ 1,309.00	\$ 231.00		Revolution Prep	General Supplies and Materials
Barnum Hall 01-91150-0-00000-00000-8699-000-0000					
Pt. Dume Marine Science 01-90120-0-00000-00000-8699-019-0000					
Webster 01-90120-0-00000-00000-8699-008-0000			750 400	Pam & Bill Howard Webster PTA	2 Computer Tablets in the 4th Grade Classroom Apple I-Pad for Kindergarten Classroom
Others:					
<u>Superintendent's Office</u> 01-90120-0-00000-00000-8699-020-0000					
<u>Educational Services</u> 01-90120-0-00000-00000-8699-030-0000	\$ 1,415.00	\$ -		Various	General Supplies and Materials
<u>Student & Family Services</u> 01-90120-0-00000-00000-8699-040-0000					
<u>Special Education</u> 01-90120-0-00000-00000-8699-044-0000					
<u>Information Services</u> 01-90120-0-00000-0000-8699-054-0000					
<u>Food and Nutrition Services</u> 01-90120-0-00000-0000-8699-057-0000					
<u>District</u> 01-90120-0-00000-00000-8699-090-0000					
TOTAL	\$ 17,402.06	\$ 385.23	\$ 1,190.00		

BOE Date: 11/15/12

Current Gifts and Donations 2012/2013

School/Site Account Number	Y-T-D Adjusted Gift Total	Current Gift Amount	Equity Fund 15% Contrib.	Cumulative Gift Amount	Y-T-D In-Kind Value	Current In-Kind Value	Cumulative In-Kind Value
JAMS 01-90120-0-00000-00000-8699-011-0000	\$ 17,688.73	\$ 2,388.94	\$ 154.23	\$ 20,231.90			\$ -
Adult Education 11-90120-0-00000-00000-8699-090-0000				\$ -			\$ -
Alternative (SMASH) 01-90120-0-00000-00000-8699-009-0000				\$ -			\$ -
Cabrillo 01-90120-0-00000-00000-8699-017-0000	\$ 5,849.23	\$ 408.00		\$ 6,257.23			\$ -
CDS 12-90120-0-00000-00000-8699-070-0000		\$ 30.00		\$ 30.00		\$ 40.00	\$ 40.00
Edison 01-90120-0-00000-00000-8699-001-0000	\$ 358.38			\$ 358.38			\$ -
Franklin 01-90120-0-00000-00000-8699-002-0000	\$ 470.54			\$ 470.54			\$ -
Grant 01-90120-0-00000-00000-8699-003-0000				\$ -			\$ -
Lincoln 01-90120-0-00000-00000-8699-012-0000	\$ 15,471.38			\$ 15,471.38			\$ -
Malibu High School 01-90120-0-00000-00000-8699-010-0000 <i>Malibu Shark Fund - Resource #90141</i>	\$ 10,235.43			\$ 10,235.43			\$ -
McKinley 01-90120-0-00000-00000-8699-004-0000	\$ 4,103.37	\$ 8,278.12		\$ 12,381.49			\$ -
Muir 01-90120-0-00000-00000-8699-005-0000				\$ -			\$ -
Olympic HS 01-90120-0-00000-00000-8699-014-0000		\$ 500.00		\$ 500.00			\$ -
Rogers 01-90120-0-00000-00000-8699-006-0000	\$ 3,270.75	\$ 3,073.00		\$ 6,343.75			\$ -
Roosevelt 01-90120-0-00000-00000-8699-007-0000	\$ 2,855.98			\$ 2,855.98			\$ -
Samohi 01-90120-0-00000-00000-8699-015-0000	\$ 2,148.74	\$ 1,309.00	\$ 231.00	\$ 3,688.74			\$ -
Pt. Dume Marine Science 01-90120-0-00000-00000-8699-019-0000				\$ -			\$ -
Webster 01-90120-0-00000-00000-8699-008-0000				\$ -		\$ 1,150.00	\$ 1,150.00

BOE Date: 11/15/12

Current Gifts and Donations 2012/2013

School/Site Account Number	Y-T-D Adjusted Gift Total	Current Gift Amount	Equity Fund 15% Contrib.	Cumulative Gift Amount	Y-T-D In-Kind Value	Current In-Kind Value	Cumulative In-Kind Value
ALL OTHER LOCATIONS:							
Superintendent's Office 01-90120-0-00000-00000-8699-020-0000				\$ -			\$ -
Educational Services 01-90120-0-00000-00000-8699-030-0000	\$ 18,576.00	\$ 1,415.00		\$ 19,991.00			\$ -
Student and Family Support Services 01-90120-0-00000-00000-8699-041-0000				\$ -			\$ -
Special Education 01-90120-0-00000-00000-8699-044-0000				\$ -			\$ -
Information Services 01-90120-0-00000-00000-8699-054-0000				\$ -			\$ -
District 01-90120-00000-0-00000-8699-090-0000				\$ -			\$ -
Food & Nutrition Services 01-90120-0-00000-00000-8699-070-0000				\$ -			\$ -
TOTAL GIFTS	\$ 81,028.53	\$ 17,402.06	\$ 385.23	\$ 98,815.82	\$ -	\$ 1,190.00	\$ 1,190.00
Total Cash Gifts for District:		\$ 17,402.06	Total Equity Fund 15% Contribs. \$ 385.23		Total In-Kind Gifts:	\$ 1,190.00	

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: AMENDMENT TO CONTRACT – LEASE LEASEBACK – EDISON LANGUAGE ACADEMY – NEW CONSTRUCTION – SWINERTON BUILDERS – MEASURE BB

RECOMMENDATION NO. A.10

It is recommended that the Board of Education authorize contract Change Order number 01 (CO-01) for the Lease Leaseback – Edison Elementary Building – ELA: New Building Project to Swinerton Builders, in the amount of \$93,232.00 for a total contract amount of \$32,941,350.00, and no change in the contract time.

Funding Information

Budgeted: No
Fund: 81
Source: Measure BB
Account Number: 81-90500-0-00000-85000-6200-001-2600
Budget Category: Construction Contracts
DSA #: 03-112999
Friday Memo: 11/09/12

COMMENTS: On July 20, 2011, the Santa Monica-Malibu Unified School District Board of Education awarded Swinerton Builders the lease leaseback contract for the Edison Language Academy – New Construction Project in the amount of \$32,848,118.

This Change Order includes seven (7) items associated to additional scope requirements not included in the contract documents.

- 1) \$47,491.72 – An additional beam was added to the high solar chimney framing.
- 2) \$2,983.28 – Additional steel required for support under windows per DSA.
- 3) \$20,201.13 – Increase in size of beam stubs for steel brace frames.
- 4) \$11,272.83 – Revisions to building C2 solar chimney glazing and structural steel.
- 5) \$4,037.00 – Re-detail anchor bolt patterns at base plates at buildings A1 and A2.
- 6) \$1,468.10 – Increases size of foundation and increases the amount of rebar to accommodate electrical conduit.
- 7) \$5,777.42 – Revised tube steel header detail required to connect the curtain wall.

The scope of work included in Change Order No. 01 (CO-01) includes all labor, materials, equipment and related overhead costs for the work associated with the additional scope requirements. This contract increase includes changes to the contract documents that must be submitted to DSA for approval.

ORIGINAL CONTRACT AMOUNT:	\$32,848,118
CHANGE ORDER NO. 1:	93,232
<hr/>	
TOTAL CONTRACT AMOUNT:	\$32,941,350

The above changes will be funded through contingencies from the Budget Allocation Reserve.

A Friday Memo accompanies this item.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: AMENDMENT TO CONTRACT – LEASE LEASEBACK – EDISON LANGUAGE ACADEMY – NEW CONSTRUCTION – SWINERTON BUILDERS – MEASURE BB

RECOMMENDATION NO. A.11

It is recommended that the Board of Education authorize contract Change Order number 02 (CO-02) for the Lease Leaseback – Edison Elementary Building – ELA: New Building Project to Swinerton Builders, in the amount of \$74,000.00 for a total contract amount of \$33,015,350.00, and no change in the contract time.

Funding Information

Budgeted: No
Fund: 81
Source: Measure BB
Account Number: 81-90500-0-00000-85000-6200-001-2600
Budget Category: Construction Contracts
DSA #: 03-112999
Friday Memo: 11/09/12

COMMENTS: On July 20, 2011, the Santa Monica-Malibu Unified School District Board of Education awarded Swinerton Builders the lease leaseback contract for the Edison Language Academy – New Construction Project in the amount of \$32,848,118.

This Change Order includes three (3) credit items totaling (\$18,020.80), one (1) District directed change totaling \$34,288.72, one (1) item related to an unforeseen condition totaling \$432.00, and six (6) items related to additional scope totaling \$57,299.80

- 1) (\$3,184.65) – Elimination of IOR trailer due to space restrictions at the site.
- 2) (\$4,308.15) – Size of CM trailer was reduced due to space restrictions at the site.
- 3) (\$10,528.00) – Amount corresponds to fees for AOR to review Developer proposed material substitution.
- 4) \$34,288.72 – District Direct Change - additional sound blankets and fencing to reduce neighbor noise and dust.
- 5) \$432.00 – Unforeseen Condition – Abatement of storage shed roof
- 6) \$3,056.00 – Additional Scope – Revisions to structural foundation plans at elevator.
- 7) \$34,771.72 – Additional Scope – Reduction of sanitary sewer and storm drain lines.
- 8) \$2,018.25 – Additional Scope – Revised anchor bolt lengths.
- 9) \$10,306.51 – Additional Scope – Change in steel at building A1
- 10) \$2,076.48 – Additional Scope – Installation of 3” square washers for all column base plates.
- 11) \$5,070.84 – Additional Scope – adjustment to standard deck opening detail

The scope of work included in Change Order No. 02 (CO-02) includes all labor, materials, equipment and related overhead costs for the work described for each PCO. This contract increase does not include changes to the contract documents that must be submitted to DSA for approval.

ORIGINAL CONTRACT AMOUNT:\$32,848,118
CHANGE ORDER NO. 1: (ITEM A.XX)93,232
CHANGE ORDER NO. 2:74,000
TOTAL CONTRACT AMOUNT:\$33,015,350

The above changes will be funded through contingencies from the Budget Allocation Reserve.

A previous item on this Board agenda relates to this item.

A Friday Memo accompanies this item.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #20 FOR ADDITIONAL DESIGN SERVICES FOR
EDISON LANGUAGE ACADEMY NEW CONSTRUCTION PROJECT – DALY
GENIK ARCHITECTS – MEASURE BB

RECOMMENDATION NO. A.12

It is recommended that the Board of Education approve Contract Amendment #20 to Daly Genik Architects for additional design services for the Edison Language Academy New Construction Project, in the amount of \$12,458.

Funding Information

Budgeted: Yes
Fund: 81
Source: Measure BB
Account Number: 81-90500-0-00000-85000-5802-001-2600
DSA Number: 03-112999
Budget Category: Design / Architects
Friday Memo: 11/09/12

COMMENT: The Edison Language Academy New Construction Project required additional design services. The District issued new Technology Design standards during December 2010. The District requested the Edison contract documents be adjusted to accommodate the new District technology design standards. The cost of this additional design service was \$2,725.

The Edison Language Academy New Construction Project contract documents also required revisions to accommodate the City of Santa Monica's street tree master plan. The adjustments to the contract documents were completed by the project architect. The cost of these adjustments was \$1,785.

Finally, Daly Genik, the architect of record for the Edison Language Academy New Construction Project, provided additional design services for work related to color studies necessary for approval by the site building committee. The cost of these design services was \$7,948.

(Continued on next page)

ORIGINAL CONTRACT AMOUNT (Prog./Schem.Design))	\$536,695
CONTRACT AMENDMENT #1 (Revised Schematic)	\$78,000
CONTRACT AMENDMENT #2 (DD/CD/CA)(rev.)	\$2,876,732
CONTRACT AMENDMENT #3 (Dist. Stand. Specs)	\$40,000
CONTRACT AMENDMENT #4 (Library Study)	\$7,750
CONTRACT AMENDMENT #5 (2 Add'l Designs)(rev.)	\$94,800
CONTRACT AMENDMENT #6 (Fire Protection Design)	\$25,025
CONTRACT AMENDMENT #7 (Design revisions)	\$64,700
CONTRACT AMENDMENT #8 (Rev.-Pre-school, canopy)	\$74,000
CONTRACT AMENDMENT #9 (Dist. Std. Specs, Design Stds.)	\$29,400
CONTRACT AMENDMENT #10 (Dist. Std. Specs, Design Stds.)	\$18,800
CONTRACT AMENDMENT #11 (Rev.Cafeteria, Stage.)	\$5,850
CONTRACT AMENDMENT #12 (General Conditions)	\$13,200
CONTRACT AMENDMENT #13 (Design revisions)	\$26,500
CONTRACT AMENDMENT #14 (District Standard Specs – Multiple Prime)	\$4,800
CONTRACT AMENDMENT #15 (Edison, Relocatable Electrical, Recess Play Area)	\$4,570
CONTRACT AMENDMENT #16 (Edison, City Street Lighting)	\$12,533
CONTRACT AMENDMENT #17 (Edison, SWPPP Plan)	\$10,000
CONTRACT AMENDMENT #18 (Edison, Design Revision, Water Meters)	\$9,292
CONTRACT AMENDMENT #19 (Edison, Material Substitution Review)	\$10,528
CONTRACT AMENDMENT #20 (Edison, Design Revisions)	\$12,458
TOTAL CONTRACT AMOUNT	\$3,955,633

This Contract Amendment #20, for an amount of \$12,458 is for the design review work completed at the request of the District for Edison Language Academy New Construction Project. The revised contract total will be \$3,955,633. There is currently sufficient funds to accommodate this work.

A Friday Memo accompanies this item.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/2012

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: AMENDMENT TO CONTRACT – LEASE LEASEBACK – JOHN ADAMS MIDDLE SCHOOL – REPLACEMENT OF CLASSROOM BUILDINGS E, F, & G, NEW ADMINISTRATION, MODERNIZATION & SITE IMPROVEMENTS – SWINERTON BUILDERS – MEASURE BB

RECOMMENDATION NO. A.13

It is recommended that the Board of Education approve Change Order No. 7 for the Lease Leaseback -John Adams Middle School – Replacement of Classroom Building E, F & G, New Administration, Modernization and Site Improvements Project (Package 2B) to Swinerton Builders, for an amount of \$44,962.23 for a total contract amount of \$12,142,680.70.

Funding Information

Budgeted: No

Fund: 82

Source: Measure BB

Account Number: 82-90500-0-00000-85000-6200-011-2600

Budget Category: Hard Costs /Construction

DSA #: 03-112808

COMMENTS: On July 20, 2011, the Santa Monica-Malibu Unified School District Board of Education awarded Swinerton Builders the lease leaseback contract for the John Adams Middle School – Replacement of Classroom Building E, F & G, New Administration, Modernization and Site Improvements Project in the amount of \$11,728,854.

At the April 19, 2012, meeting of the Board of Education, Change Order No. 1 was approved in the amount of 106,339.03.

At the June 7, 2012, meeting of the Board of Education, Change Order No. 2 was approved in the amount of \$15,787.16.

At the September 6, 2012, meeting of the Board of Education, Change Order No. 3 was approved in the amount of \$25,369.51.

At the September 6, 2012, meeting of the Board of Education, Change Order No. 4 was approved in the amount of \$52,926.56.

At the October 4, 2012, meeting of the Board of Education, Change Order No. 05 was approved in the amount of \$47,660.21.

At the October 18, 2012, meeting of the Board of Education, Change Order No. 06 was approved in the amount of \$120,782.00.

Change Order No. 7 includes the cost for all labor and materials in the amount of \$44,074.46 for additional scope for structural enhancements as required by the Division of the State Architect (DSA). Additionally, there is \$887.71 required for unforeseen conditions which were not known at the time of bidding the project. These funds will be drawn upon by adjustments to the Construction Budget and Program Reserve/Contingency Allocation. The contract duration will remain unchanged on the John Adams Middle School – Replacement of Classroom Building E, F & G, New Administration, Modernization and Site Improvements Project.

Change Order No. 7 includes the following changes to the terms of the contract:

Original Contract Amount:	\$11,728,854.00
Change Order No. 1:	\$ 106,339.03
Change Order No. 2:	\$ 15,787.16
Change Order No. 3:	\$ 25,369.51
Change Order No. 4:	\$ 52,926.56
Change Order No. 5:	\$ 47,660.21
Change Order No. 6:	\$ 120,782.00
<u>Change Order No. 7:</u>	<u>\$ 44,962.23</u>
Total Contract Amount:	\$12,142,680.70

A Friday Memorandum accompanies this item.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: AWARD OF GENERAL SERVICES ADMINISTRATION CONTRACT TO
SIMPLEX GRINNELL FOR WASHINGTON SOUTH/WEST FIRE ALARM
PROJECT – MEASURE BB

RECOMMENDATION NO. A.14

It is recommended that the Board of Education award the Federal GSA contract to Simplex Grinnell, to purchase fire and security equipment and appropriate services specified under contract #GS-07-0396M as applicable to Washington South/West Fire Alarm Project in the amount of \$200,444.18.

Funding Information

Budgeted: Yes
Fund: 21
Source: Measure BB
Account Number: 21-90500-0-00000-85000-6200-070-2600
DSA Number: n/a
Budget Category: Construction Contracts
Friday Memo: 11/09/12

COMMENT: On 06/06/09, the Board of Education approved Simplex Grinnell (BOE Item A.28) for the Fire Alarm devices because all existing District wide systems are manufactured by Simplex-Grinnell, the sole source manufacturer.

The Board of Education further approved on 10/21/10 the GSA contract which allows for fire alarm, security, and emergency disaster equipment purchases and all services necessary to install the equipment from design to start-up, including maintenance and training at the lowest offered pricing. The Los Angeles County Department of Education allows Districts to “piggy back” off of the GSA contracts with no restriction other than standard Public Works contracting requirements.

Washington South Project requires a contract with Simplex Grinnell through this piggy-back contract. The Washington site currently lacks an updated fire alarm system. Because of the Washington West-CDS and day care center also located on this site, each structure located on this school site shall be equipped with a fire alarm system, as a part of the State’s building code fire/life safety requirement.

A Friday Memo and proposal accompany this item.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: RATIFY AWARD OF BID #12.02.BB – MEMBRANE BIOREACTOR
WASTEWATER EQUIPMENT, FOR THE MALIBU HIGH SCHOOL CAMPUS
IMPROVEMENT PROJECT – LOWEST RESPONSIVE RESPONSIBLE BIDDER
– MEASURE BB

RECOMMENDATION NO. A.15

It is recommended that the Board of Education ratify the award of Bid #12.02.BB, Membrane Bioreactor Wastewater Equipment, for the Malibu High School Campus Improvement Project to GE Water & Power Technologies in the amount of \$415,903 which includes six (6) alternates.

Funding Information

Budgeted: Yes
Fund: 81
Source: Building Fund
Account Number: 81-90500-0-00000-85000-6200-010-2600
Project No: 21-0-010-01
Budget Category: Equipment
DSA #: 113456

COMMENTS: On August 24, 2011 the Board of education approved the award of Bid #12.02.BB, Membrane Bioreactor Wastewater Equipment, for the Malibu High School Campus Improvement Project to the lowest responsive responsible bidders.

The bidding opportunity for Bid #12.02.BB, Membrane Bioreactor (Wastewater Equipment), was advertised in the Daily Breeze on 6/11/2011 and 6/18/2011. Direct invitations were solicited to vendors capable of providing the required equipment.

The Membrane Bioreactor (Wastewater Equipment) was submitted as a Request for Proposal (RFP) with very specific criteria. Qualified responses to the RFP were required to demonstrate that their proposed solution would meet the criteria established in the RFP. Two qualified responses were received and evaluated by the team. The bids were as follows:

Bidder	Base Bid	Total with Alternates
Siemens Industry, Inc.	\$369,843	\$430,112
GE Water & Power	\$381,384	\$415,903

The bids included two (2) phases - a design phase and a construction phase. A Notice of Award was issued to GE Water & Power on 3/22/2012 in the amount of \$415,903. A Notice to Proceed (NTP) was issued on 4/23/2012, for the design phase only, to produce the drawings for the project. Drawings are required to be reviewed and approved by the Division of the State Architect (DSA) concurrent with the review of the Malibu High School Campus Improvements Project. No construction work will commence at this time. The NTP for the design phase work is for the amount of \$41,249. The balance of the contract for the amount of \$374,654 will be used during the construction phase of the project.

A Friday Memorandum accompanies this item.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #2 TO NINYO & MOORE FOR TENSION ROD
TESTING AND CONTRACTOR ALLOWANCE – OLYMPIC HIGH SCHOOL
MODERNIZATION PROJECT

RECOMMENDATION NO. A.16

It is recommended that the Board of Education award Contract Amendment #2 to Ninyo & Moore, Inc. for Tension Rod Testing for the Olympic High School Modernization Project, in the amount of \$4,429.

Funding Information

Budgeted: Yes

Fund: 21

Source: BB

Account Number: 21-90500-0-00000-85000-5802-014-2600

Project No: 21-0-014-03

Budget Category: Soft Costs/Testing & Inspections/Materials Lab

DSA #: 03-113343

Friday Memo: 11/9/12

COMMENTS: DSA has required that a program for biennial inspection and testing of the existing structure be in place. The structural engineering consultant has provided the parameters of the inspection program and DSA has reviewed the proposed program.

Ninyo & Moore will provide periodic testing and inspection of the tension rods every two (2) years up to a 10-year period, as required by DSA. The Ninyo & Moore proposal was selected from several DSA-approved special testing and inspections firms. The general scope of work includes tension rod inspections, review by in-house project engineers, and issue and distribution of testing reports.

Services for this Board item include providing all labor and materials for periodic testing and inspections, per DSA requirement.

(Continued on next page)

<u>Total Cost for 10-year Period:</u>	
First inspector site visit:	\$584
Second inspector site visit:	\$616
Third inspector site visit:	\$648
Fourth inspector site visit:	\$672
Fifth inspector site visit:	\$712
Vehicle and Equipment Usage	\$320
Principle Engineer/Geologist	\$877
Total Program for ten-year period	\$4,429

There is sufficient budget in Soft Costs/Testing & Inspections/Materials Lab for this Board item. A Friday Memo will accompany this item.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON

RE: CERTIFICATED PERSONNEL – Elections, Separations

ACTION/CONSENT
11/15/12

RECOMMENDATION NO. A.17

Unless otherwise noted, all items are included in the 2012/2013 approved budget.

ADDITIONAL ASSIGNMENTS

ADAMS MIDDLE SCHOOL

Sever, Pamela	\$40.46, as needed	10/19/12-6/11/13	Est Hrly/\$----
		TOTAL ESTABLISHED HOURLY	Est Hrly/\$----

Comment: After-School/Weekend Science Magnet Seminars
01-Tier III Programs Cat Flex

CABRILLO ELEMENTARY SCHOOL

Levy, Nancy	25 hrs @\$40.46	10/10/12-5/24/13	Est Hrly/\$1,012
Siegel, Julie	25 hrs @\$40.46	10/10/12-5/24/13	Est Hrly/\$1,012
		TOTAL ESTABLISHED HOURLY	\$2,014

Comment: After-School Homework Club
Gifts – Equity Fund

EDISON ELEMENTARY SCHOOL

Ellis, John	4 hrs @\$40.46	9/27/12-10/4/12	Est Hrly/\$162
		TOTAL ESTABLISHED HOURLY	\$162

Comment: Parent Training Sessions
01-IASA: Title I Basic-Lw Inc/Neg

EDUCATIONAL SERVICES

Gonzalez, Jennifer	10 hrs @\$40.46	9/1/12-10/31/12	Est Hrly/\$405
Louria, Meredith	10 hrs @\$40.46	9/1/12-10/31/12	Est Hrly/\$405
Ryan, Sarah	10 hrs @\$40.46	9/1/12-10/31/12	Est Hrly/\$405
Sato, Liane	10 hrs @\$40.46	9/1/12-10/31/12	Est Hrly/\$405
Silvestri, Marissa	10 hrs @\$40.46	9/1/12-10/31/12	Est Hrly/\$405
		TOTAL ESTABLISHED HOURLY	\$2,025

Comment: Health Curriculum Enhancement
01-Tier III Programs Cat Flex

Cedillo, Sofia	3 hrs @\$40.46	10/22/12-10/26/12	Est Hrly/\$121
		TOTAL ESTABLISHED HOURLY	\$121

Comment: Kindergarten Presentation
01-IASA: Title II Teacher Quality

FRANKLIN ELEMENTARY SCHOOL

Duncan, Yeato	23 hrs @\$40.46	11/1/12-5/31/13	Est Hrly/\$ 931
Garden, Nathan	23 hrs @\$40.46	11/1/12-5/31/13	Est Hrly/\$ 931
Loc, Dalia	46 hrs @\$40.46	11/1/12-5/31/13	Est Hrly/\$1,861
		TOTAL ESTABLISHED HOURLY	\$3,723

Comment: After-School Intervention
01-Gifts – Equity Fund

HUMAN RESOURCES

Bersch, Kirsten	25 hrs @\$40.46	10/1/12-6/11/13	Est Hrly/\$1,012
Cruce, Marae	25 hrs @\$40.46	10/1/12-6/11/13	Est Hrly/\$1,012
Henderson, Luke	25 hrs @\$40.46	10/1/12-6/11/13	Est Hrly/\$1,012
Ipina, Elizabeth	5 hrs @\$40.46	10/1/12-6/11/13	Est Hrly/\$ 202
Pantallion, Ayanna	25 hrs @\$40.46	10/1/12-6/11/13	Est Hrly/\$1,012

Reichle, Tisha	10 hrs @\$40.46	10/1/12-6/11/13	Est Hrly/\$ 405
Reyes, Katrina	25 hrs @\$40.46	10/1/12-6/11/13	Est Hrly/\$1,012
		TOTAL ESTABLISHED HOURLY	\$5,667
Comment:	BTSA Support Provider 01-Tier III Programs Cat Flex		
<u>LINCOLN MIDDLE SCHOOL</u>			
O'Brien, Marianna	24.72 hrs @\$40.46	8/20/12-6/11/13	Est Hrly/\$1,000
Pham, Vy	24.72 hrs @\$40.46	8/20/12-6/11/13	Est Hrly/\$1,000
Utzing, Sara	49.95 hrs @\$40.46	8/20/12-6/11/13	Est Hrly/\$2,021
		TOTAL ESTABLISHED HOURLY	\$4,021
Comment:	Professional Development Coordinator 01-Tire III Programs Cat Flex		
<u>MCKINLEY ELEMENTARY SCHOOL</u>			
Marshall, Kim	25 hrs @\$40.46	10/1/12-6/11/13	Est Hrly/\$1,012
Mowry, Kristen	10 hrs @\$40.46	10/1/12-6/11/13	Est Hrly/\$ 405
		TOTAL ESTABLISHED HOURLY	\$1,417
Comment:	Science Work for HMC Grant 01-HMC Designing Futures Foundation		
<u>SANTA MONICA HIGH SCHOOL</u>			
Henderson, Luke	5 hrs @\$40.46	10/20/12	Est Hrly/\$202
		TOTAL ESTABLISHED HOURLY	\$202
Comment:	PSAT Proctor 01-Reimbursed by ASB		
Hafft, Ianna	140 hrs @\$40.46	8/23/12-6/11/13	Est Hrly/\$5,664
		TOTAL ESTABLISHED HOURLY	\$5,664
Comment:	APEX Learning 01-Gifts-Equity Fund		
Walker, Megan	130 hrs @\$40.46	8/22/12-6/11/13	Est Hrly/\$5,260
		TOTAL ESTABLISHED HOURLY	\$5,260
Comment:	Supervision of Peer Tutors 01-Gifts-Equity Fund		
Bart-Bell, Dana	\$40.46, as needed	9/11/12-6/11/13	Est Hrly/\$----
Fulcher, Nathan	\$40.46, as needed	9/11/12-6/11/13	Est Hrly/\$----
Grant, Sandy	\$40.46, as needed	9/11/12-6/11/13	Est Hrly/\$----
Jimenez, Jaime	\$40.46, as needed	9/11/12-6/11/13	Est Hrly/\$----
Reichle, Tisha	\$40.46, as needed	9/11/12-6/11/13	Est Hrly/\$----
		TOTAL ESTABLISHED HOURLY	\$----
Comment:	After-School Library 01-Reimbursed by PTA		
Gomez, Victor	112 hrs @\$40.46	11/1/12-6/11/13	Est Hrly/\$4,532
		TOTAL ESTABLISHED HOURLY	\$4,532
Comment:	Saturday Computer Classes for Spanish-Speaking Parents 01-Gifts – Equity Fund		
Fulcher, Nathan	1.25 hrs @\$40.46	10/23/12	Est Hrly/\$51
Hobkirk, Carl	1.25 hrs @\$40.46	10/23/12	Est Hrly/\$51
Kariya, Emily	1.25 hrs @\$40.46	10/23/12	Est Hrly/\$51
Karyadi, Adrienne	1.25 hrs @\$40.46	10/23/12	Est Hrly/\$51
Reichle, Tisha	1.25 hrs @\$40.46	10/23/12	Est Hrly/\$51
Silvestri, Marisa	1.25 hrs @\$40.46	10/23/12	Est Hrly/\$51
Tickler, Brian	1.25 hrs @\$40.46	10/23/12	Est Hrly/\$51
		TOTAL ESTABLISHED HOURLY	\$357
Comment:	Freshman Seminar Meeting 01-Economic Impact Aid-SCE		

ADDITIONAL ASSIGNMENT – EXTRA DUTY UNITS**MALIBU HIGH SCHOOL - Fall Athletics**

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Not to Exceed</u>
Mulligan, Michael	13 EDU	Boys Water Polo	8/12-12/12	<u>\$3,328</u>
			TOTAL EDUS	\$3,328

MALIBU HIGH SCHOOL - Winter Athletics

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Not to Exceed</u>
Meyer, Andrew	13 EDU	Girls Basketball	10/12-1/13	<u>\$3,328</u>
			TOTAL EDUS	\$3,328

MALIBU HIGH SCHOOL - Middle School Academics

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Not to Exceed</u>
Bixler, William	13 EDU	MS Band	8/12-12/12	\$3,328
Cowgill, Elizabeth	1 EDU	MS Scholarship Adv	8/12-12/12	\$ 256
Lambert, Lisa	3 EDU	MS Student Activities	8/12-12/12	\$ 768
Leonard, Brigitte	6 EDU	MS Drama	8/12-12/12	\$1,536
Loch, Amy	3 EDU	MS Vocal Music	8/12-12/12	\$ 768
Neier, Christopher	3 EDU	MS Student Activities	8/12-12/12	<u>\$ 768</u>
			TOTAL EDUS	\$7,424

MALIBU HIGH SCHOOL - High School Academics

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Not to Exceed</u>
Andino, Melisa	9 EDU	HS Pep Squad	8/12-1/13	\$2,304
Bixler, William	2 EDU	HS Band	8/12-1/13	\$ 512
Bowman-Smith, Carla	5 EDU	HS Yearbook	8/12-1/13	\$1,280
Chi, Ah Young	5 EDU	HS Scholarship Adv	8/12-1/13	\$1,280
Dahm, Katie	1 EDU	HS Scholarship Adv	8/12-1/13	\$ 256
Ervin, Jordan	5 EDU	HS Academic Decathlon	8/12-1/13	\$1,280
Flohr, Elizabeth	3 EDU	HS Pep Squad	8/12-1/13	\$ 768
Loch, Amy	2 EDU	HS Vocal Music	8/12-1/13	\$ 512
Meyer, Andrew	12 EDU	HS Student Council	8/12-1/13	\$3,072
Neier, Christopher	13 EDU	HS Athletic Director	8/12-1/13	\$3,328
Plaia, Jodi	10 EDU	HS Drama	8/12-1/13	\$2,560
Stowell, Rachel	5 EDU	HS Newspaper	8/12-1/13	\$1,280
Zander, Maia	7 EDU	HS Orchestra	8/12-1/13	<u>\$1,792</u>
			TOTAL EDUS	\$20,224

HOURLY TEACHERS**ADULT EDUCATION**

Lauchenauer, Evelyn	\$40.46, as needed	11/1/12-6/8/13	<u>Est Hrly/\$----</u>
		TOTAL ESTABLISHED HOURLY	\$----

Comment: Adult Education Substitute
11-Unrestricted Resource

ROP

Kay, David	900 hrs @\$45.34	10/2/12-6/30/12	<u>Est Hrly/\$40,806</u>
		TOTAL ESTABLISHED HOURLY	\$40,806

Comment: ROP Instruction
01-ROP-Classroom/Program

TOTAL ESTABLISHED HOURLY, AND EXTRA DUTY UNITS = \$110,275

ELECTIONS**TEMPORARY CONTRACTS**

<u>Name/Assignment/Location</u>	<u>Not to Exceed</u>	<u>Effective</u>
Arteta de Jacome, Gabriela CDS – Rogers Elementary	50%	11/1/12-6/11/13

CHANGE IN EMPLOYEE STATUS: PROBATIONARY TO TENURED

<u>Name/Assignment/Location</u>	<u>Not to Exceed</u>	<u>Effective</u>
Alexopoulos, Ashley/Math John Adams Middle School	100%	8/20/12
Bickert, Katherine/1 st Grade Franklin Elementary	100%	8/20/12
Chavez, Craig/SAI-Math Santa Monica High School	100%	8/20/12
Chi, Ah Young/College Counselor Malibu High School	100%	8/20/12
Cole, Debra/SAI-English John Adams Middle School	100%	8/20/12
Drosdick, Danielle/Speech Pathologist Edison Elementary	100%	8/20/12
Flohr, Elisabeth/Life Science Malibu High School	100%	8/20/12
Gaddis, Lindsey/SDC-Life Skills McKinley Elementary	100%	8/20/12
Scifres, Mary/4 th Grade McKinley Elementary	100%	8/20/12

CHANGE IN EMPLOYEE STATUS: TEMPORARY TO PROBATIONARY

<u>Name/Assignment/Location</u>	<u>Not to Exceed</u>	<u>Effective</u>
Blair, Susy/SAI Webster Elementary	100%	8/20/12
Chang, Pao Fen/Chinese/ELD Santa Monica High School	100%	8/20/12
Kerkotchian, Sylvia/4 th Grade Rogers Elementary	100%	8/20/12
Rowe, Ritsuki/Japanese Santa Monica High School	100%	8/20/12
Rubin, Matthew/Science John Adams Middle School	100%	8/20/12
Sass, Amanda/SAI Santa Monica High School	100%	8/20/12
Sinfield, Paul/SAI Santa Monica High School	100%	8/20/12

SUBSTITUTE TEACHERS

CHILD DEVELOPMENT SERVICES

(@\$16.19 Hourly Rate)

Cahill, Susan

Effective
10/24/12

Frazier, Sylvette

10/19/12

LEAVE OF ABSENCE (with pay)

Name/Location

Arbucci, Lori

Muir Elementary

Effective

10/19/12-11/17/12

[maternity]

McCraw, Kristen

McKinley Elementary

11/1/12-12/21/12

[medical]

(Extension of dates from 9/6/12 Agenda)

Semik, Renee

Santa Monica HS

9/19/12-10/12/12

[medical]

Suminski, Mark

Olympic High School

10/2/12-12/30/12

[medical]

Walsh, Lauren

Franklin Elementary

10/19/12-1/4/13

[maternity]

LEAVE OF ABSENCE (without pay)

Name/Location

Arbucci, Lori

Muir Elementary

Effective

11/18/12-2/22/13

[CFRA]

Reardon, Marybeth

Santa Monica HS

10/8/12-10/24/12

[CFRA]

(Revision of date from Agenda)

RETIREMENT

Name/Location

Onami, Janice

Child Development Svcs

Effective

12/30/12

(Revision of date from 8/1/12 Agenda)

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

FROM: SANDRA LYON / WILBERT YOUNG

RE: CLASSIFIED PERSONNEL – MERIT

ACTION/CONSENT
11/15/12

RECOMMENDATION NO. A.18

It is recommended that the following appointments for Classified Personnel (merit system) be approved and/or ratified. All personnel will be properly elected in accordance with District policies and salary schedules.

<u>ELECTION</u>		<u>EFFECTIVE DATE</u>
Capra, Lucas Facility Permits	Technical Theater Technician 6 Hrs/10 Mo/Range:35 Step:A	10/15/12
Martinez, Ricardo Santa Monica HS	Athletic Trainer 7 Hrs/10 Mo/Range:35 Step:A	10/16/12

<u>TEMP/ADDITIONAL ASSIGNMENTS</u>		<u>EFFECTIVE DATE</u>
Gomez, Noelia McKinley Elementary	Inst Asst – Classroom [additional hours; TK classroom assistance]	9/20/12-6/11/13
Herrada, Joe Lincoln MS	Custodian [overtime; school evening events]	8/22/12-6/11/13
Hughes, Michael Facility Permits	Campus Security Officer [additional hours; overnight security]	10/3/12-10/16/12
Martin, Charles Lincoln MS	Campus Security Officer [overtime; school evening events]	8/22/12-6/11/13
Minca, Robin Lincoln MS	Administrative Assistant [overtime; ASB dance concession sales]	10/5/12-6/1/13
Nunez, Sherry Lincoln MS	Campus Security Officer [overtime; school evening events]	8/22/12-6/11/13
Nyden, Diane Lincoln MS	Senior Office Specialist [overtime; ASB dance concession sales]	10/5/12-6/1/13
Paddock, Lori Lincoln MS	Senior Office Specialist [overtime; ASB dance concession sales]	10/5/12-6/1/13
Preciado, Daniel Santa Monica HS	Campus Security Officer [overtime; school events]	7/1/12-6/30/13
Quon, Rosemary Human Resources	Office Specialist [additional hours; scanning project]	10/15/12-10/19/12

<u>SUBSTITUTES</u>		<u>EFFECTIVE DATE</u>
Averitt, Tiffany Child Develop Svcs	Children's Center Assistant	10/15/12-6/30/13
Campbell, Thrisha Special Education	Inst Asst – Special Ed	10/10/12-6/30/13

Cervantes, Brenda Food and Nutrition Svcs	Cafeteria Worker I	10/10/12-6/30/13
Coleman, Daniel Webster Elementary	Physical Activities Specialist	10/1/12-6/11/13
Day, Germyna Point Dume Elementary	Inst Asst – Classroom	10/1/12-6/11/13
Gardner, Eugenia Food and Nutrition Svcs	Cafeteria Worker I	10/17/12-6/30/13
Grant, Carolyn Child Develop Svcs	Children’s Center Assistant	10/10/12-6/30/13
Guzman, Jose District	Inst Asst – Physical Education	10/12/12
Hughes, Michael District	Campus Security Officer	10/3/12-6/30/13
Ighani, Roshanak Child Develop Svcs	Children’s Center Assistant	10/10/12-6/30/13
Jones, Myiesha Child Develop Svcs	Children’s Center Assistant	10/10/12-6/30/13
Lockett, Kaneshia Child Develop Svcs	Children’s Center Assistant	10/10/12-6/30/13
Lucero, Amy Child Develop Svcs	Children’s Center Assistant	10/10/12-6/30/13
Melendez, Rosa Lincoln MS	Inst Asst – Bilingual (Spanish)	10/4/12-6/11/13
Monroy, Rosa District	Office Specialist	10/22/12-6/30/13
Moore, Tenisha Grant Elementary	Inst Asst – Classroom	10/3/12-6/11/13
Noori, Sara Child Develop Svcs	Children’s Center Assistant	10/10/12-6/30/13
Orellana, Juana Child Develop Svcs	Children’s Center Assistant	10/10/12-6/30/13
Pass, Shelby Child Develop Svcs	Children’s Center Assistant	10/10/12-6/30/13
Peterson, Erin Health Services	Health Office Specialist	10/18/12-6/11/13
Silvas, Miriam Food and Nutrition Svcs	Cafeteria Worker I	10/15/12-6/30/13
Stuck, Jennifer Child Develop Svcs	Children’s Center Assistant	10/15/12-6/30/13

Vollstedt, Todd Facility Permits	Sports Facility Attendant	10/17/12-6/30/13
Ward, Allison Point Dume Elementary	Inst Asst – Classroom	10/18/12-6/11/13
Ward, Allison Special Education	Inst Asst – Special Ed	10/11/12-6/30/13
Washington, Monique Child Develop Svcs	Computer Operator	10/2/12

CHANGE IN ASSIGNMENT

EFFECTIVE DATE

Fountain, Maresa Grant Elementary	Inst Asst – Classroom 3 Hrs/SY Fr: 2.5 Hrs/SY	10/22/12
Green, Joann Grant Elementary	Inst Asst – Classroom 3 Hrs/SY Fr: 2.5 Hrs/SY	10/22/12
Marshall, Lillian Grant Elementary	Inst Asst – Classroom 3 Hrs/SY Fr: 2.5 Hrs/SY	10/22/12
Reaber, Winifred Grant Elementary	Inst Asst – Classroom 3 Hrs/SY Fr: 2.5 Hrs/SY	10/22/12
Santino, Susan Grant Elementary	Inst Asst – Classroom 3 Hrs/SY Fr: 2.5 Hrs/SY	10/22/12

LEAVE OF ABSENCE (PAID)

EFFECTIVE DATE

Mayer, Katherine Pt. Dume Elementary	Inst Asst – Special Ed Medical	9/10/12-9/24/12
Perez, Maria Olympic HS	Custodian Medical	11/16/12-12/28/12

LEAVE OF ABSENCE (UNPAID)

EFFECTIVE DATE

Diaz, Roxana Child Develop Svcs	Children's Center Assistant Personal	10/23/12-6/11/13
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PROFESSIONAL GROWTH

EFFECTIVE DATE

Tangum, Cathy Olympic HS	Campus Security Officer	11/1/12
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WORKING OUT OF CLASS

EFFECTIVE DATE

Bakhyt, Peter Food and Nutrition Svcs	Stock and Delivery Clerk Fr: Cafeteria Worker I	9/24/12; 10/8/12
Fowler, Damone Food and Nutrition Svcs	Production Kitchen Coordinator Fr: Cafeteria Cook Baker	10/2/12

RESIGNATION

Fuentes, Jacqueline
Child Develop Svcs

Children's Center Assistant

EFFECTIVE DATE

8/21/12

Rose, Cheryl
Health Services

Health Office Specialist

10/12/12

LAYOFF – DUE TO LOSS OF FUNDING

Child Develop Svcs

Administrative Assistant (Bilingual)

EFFECTIVE DATE

12/31/12

Child Develop Svcs

Bilingual Community Liaison

12/31/12

Child Develop Svcs

Senior Office Specialist (Bilingual)

12/31/12

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION ACTION/CONSENT
11/15/12

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON / WILBERT YOUNG

RE: CLASSIFIED PERSONNEL – NON-MERIT

RECOMMENDATION NO. A.19

It is recommended that the following be approved and/or ratified for Classified Personnel (Non-Merit). All personnel assigned will be properly elected on a temporary basis to be used as needed in accordance with District policies and salary schedules.

AVID TUTOR

AGUILAR, HUGO	LINCOLN MIDDLE SCHOOL	10/15/12-11/30/12
TORRES, RUBICELA	JOHN ADAMS MIDDLE SCHOOL	10/15/12-6/11/13

COACHING ASSISTANT

FRANCIS, COLIN	SANTA MONICA HS	10/10/12-6/30/13
KEATING, KATHLEEN	SANTA MONICA HS	10/10/12-6/30/13
THATCHER, LAURA	SANTA MONICA HS	9/4/12-6/30/13

NOON SUPERVISION AIDE

DAY, GERMVNA	POINT DUME ELEMENTARY	10/8/12-6/11/13
GUZMAN, JOSE	MUIR ELEMENTARY	10/12/12-6/11/13
HARTLEY, LOGAN	ROGERS ELEMENTARY	10/1/12-6/11/13

TECHNICAL SPECIALIST – LEVEL II

SUKOVATY, SHANNON	CABRILLO ELEMENTARY	10/1/12-5/24/13
	[Vocal Music Instructor]	
	- Funding: Reimbursement by PTA	

STUDENT WORKER – WORKABILITY

ALVARADO, KHARLO	SANTA MONICA HS	10/8/12-6/30/14
BERBEN, HOWIE	SANTA MONICA HS	10/8/12-6/30/14
CARMENDY, FRANCES	SANTA MONICA HS	10/8/12-6/30/14
FARNAM-FARD, STELLA	SANTA MONICA HS	10/8/12-6/30/14
FLAMENCO, MARCOS	SANTA MONICA HS	10/10/12-6/30/14
FURUTA, WALLIS	SANTA MONICA HS	10/8/12-6/30/14
MICHALSKI, NATHAN	SANTA MONICA HS	10/8/12-6/30/14
PHAM, RICHARD	SANTA MONICA HS	10/1/12-6/30/14

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ

RE: REVISE BP 3511.1 – INTEGRATED WASTE MANAGEMENT

RECOMMENDATION NO. A.20

It is recommended that the Board of Education revise BP 3511.1 – Integrated Waste Management.

COMMENTS: CSBA recommends these revisions to reflect new law (AB 341, 2011), which requires schools that generate more than four cubic yards of solid waste per week to arrange for recycling services in accordance with law. The policy also references resources available through the California Department of Resources Recycling and Recovery (CalRecycle), links integrated waste management to broader goal of green school operations, and adds language related to program monitoring and evaluation.

Attached is the revised policy.

This item came forward for discussion at the November 1, 2012, board meeting.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

INTEGRATED WASTE MANAGEMENT

The Board of Education believes that the conservation of ~~water, energy and other~~ natural resources ~~as well as~~ and the protection of the environment are connected to the district's educational mission and are essential to the health and well-being of the community. The Superintendent or designee shall develop and/or implement a cost-effective, integrated waste management program that incorporates the principles of green school operations ~~an integrated waste management program to reduce waste, conserve natural resources and protect the environment.~~

The district's program shall include specific strategies designed to help the district reduce solid and hazardous waste generation and improve efficiency in using natural resources, and minimize the impact of such use on the environment ~~in all areas of its operations.~~ The program shall address all areas of the district's operations, including, but not limited to, procurement, resource utilization, and facilities management practices.

The Superintendent or designee may collaborate with city, county, and state agencies in developing and implementing the district's integrated waste management program.

The Superintendent or designee shall make every effort to identify funding opportunities for the district's integrated waste management program including applying for available grants or other cost-reducing incentives.

To the extent that funding permits, the Superintendent or designee shall provide appropriate educational and training opportunities to students and staff regarding the benefits and methods of conserving natural resources and protecting the environment.

The Superintendent or designee shall regularly monitor all aspects of the district's integrated waste management program and shall provide an update to the Board on its effectiveness as necessary.

~~The Superintendent or designee shall provide appropriate training opportunities to students and staff regarding the benefits and methods of conserving natural resources and protecting the environment.~~

Legal Reference:

EDUCATION CODE

8700-8707 Environmental education

17070.96 Leroy F. Greene School Facilities Act of 1996, consideration of high performance standards

17072.35 New construction grants; use for designs and materials for high performance schools

32370-32376 Recycling paper

33541 Environmental education

PUBLIC RESOURCES CODE

25410-25421 Energy conservation assistance

40050-40063 Waste management; integrated waste management

41780 Waste diversion

42620-42622 Source reduction and recycling programs

42630-42647 School site source reduction and recycling

42649-42649.7 Recycling of commercial solid waste

CODE OF REGULATIONS, TITLE 14

17225.12 Commercial solid waste

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Resources Recycling and Recovery: <http://www.calrecycle.ca.gov/ReduceWaste/Schools>

California Division of State Architect: <http://www.dgs.ca.gov/dsa>

California Energy Commission: <http://www.energy.ca.gov>

California Environmental Protection Agency: <http://www.calepa.ca.gov>

U.S. Environmental Protection Agency: <http://www.epa.gov>

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California**

DISCUSSION ITEMS

TO: BOARD OF EDUCATION

DISCUSSION

11/15/12

FROM: SANDRA LYON

RE: CONSIDER ADOPTING MASTER AGREEMENT BETWEEN THE SANTA MONICA-MALIBU EDUCATION FOUNDATION (SMMEF) AND THE SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT (SMMUSD)

DISCUSSION ITEM NO. D.01

It is recommended that the Board of Education consider adopting the Master Agreement between the Santa Monica-Malibu Unified School District and the Santa Monica-Malibu Education Foundation.

COMMENTS: This agreement was developed by examining the master agreements used by education foundations and school districts throughout the state of California. It has been revised to meet the needs of SMMEF and SMMUSD in establishing the newly defined relationship as part of the Board of Education's adoption of the revised BP 3290 Acceptance of Gifts and to meet the purpose and timeline for the newly established policy.

SANTA MONICA-MALIBU EDUCATION FOUNDATION

Master Agreement Between the Santa Monica-Malibu Education Foundation (SMMEF) and the Santa Monica-Malibu Unified School District (SMMUSD)

Introduction

The Santa Monica-Malibu Education Foundation was formed in 1982. The mission of SMMEF is to provide community and corporate funding in support of public education for the students in the Santa Monica-Malibu Unified School District.

SMMEF is a separate 501(c)(3) nonprofit organization with a volunteer Board of Directors governing it and a professional staff managing it. Even though SMMEF is independent from SMMUSD, it is essential that the two organizations work closely to establish funding priorities, determine feasibility and sustainability of programs, educate the community about the schools and report results on joint programs.

This Master Agreement provides a framework under which present and future leaders of SMMEF and SMMUSD will participate with one another in a mutually beneficial partnership.

SANTA MONICA-MALIBU EDUCATION FOUNDATION

Master Agreement Between the Santa Monica-Malibu Education Foundation (SMMEF) and the Santa Monica-Malibu Unified School District (SMMUSD)

Section One: SMMEF Allocations to SMMUSD

Process for Determining Funding Priorities, Commitments and Allocations

Background: SMMEF has supported a variety of programs within SMMUSD for a number of years. These programs are funded by SMMEF with personnel hired by SMMUSD. No policy has existed at either SMMEF or SMMUSD governing the determination of funding priorities. Consequently, no process has been formalized to determine the greatest needs in the District and the capacity of SMMEF to meet those needs. This policy and process is designed to keep intact the proper roles of the School Board as the policy-makers for SMMUSD and for SMMEF as a major partner in support of jointly determined priorities. Following is the agreement and process for determining funding priorities, commitments and allocations.

Policy:

- SMMEF provides funding solely for staffing, programs and activities in partnership with SMMUSD. No funding is provided to outside organizations or educational institutions
- SMMEF and SMMUSD agree to emphasize and prioritize funding for multi-year, district-wide needs
- SMMUSD agrees to accept charitable cash contributions for district-wide needs and programs only through direct giving to the district and through SMMEF
- SMMEF will only provide funding for SMMUSD programs and activities after a staff recommendation to the BOE has been approved
- SMMUSD agrees to participate in an annual process in partnership with SMMEF to recommend funding priorities
- SMMEF will establish its funding commitment to SMMUSD in accordance with an agreed upon timeline; SMMEF only commits what it raises in the prior year
- Special funding requests outside the annual process will require the SMMUSD Board of Education approval and presentation as a formal request to SMMEF at least ninety days prior to when the funding is needed
- SMMEF will decide on all funding requests from SMMUSD within ninety days of receiving a formal request
- SMMUSD agrees to provide SMMEF with the information necessary to determine appropriate levels of support for the prioritized programs and activities

Process:

To determine the funding priorities and commitments for the subsequent school year, the following steps shall be taken annually:

1. In November, SMMEF and SMMUSD hold preliminary discussion regarding possible funding priorities
2. In November, the Superintendent will present the funding priorities to the Superintendent's Advisory Committee for discussion
3. In November, SMMEF considers funding priorities and capacity to fund them
4. By January/February, the SMMUSD staff will report proposed District funding priorities to the Board of Education
5. By March, the Superintendent of Schools and SMMEF leadership representatives shall convene and develop a tentative agreement on priorities that SMMEF has the capacity to fund
6. By May, SMMUSD considers the tentative agreement and presents a formal request of funding priority recommendations to SMMEF
7. By May, SMMEF establishes its funding commitment for the subsequent school year

Approvals:

Policy and process adopted by SMMUSD Board of Education: DATE

SMMUSD Board of Education shall adopt terms of the Master Agreement between SMMEF and SMMUSD, including SMMEF Allocations to SMMUSD: DATE

SANTA MONICA-MALIBU EDUCATION FOUNDATION

Master Agreement Between the Santa Monica-Malibu Education Foundation (SMMEF) and the Santa Monica-Malibu Unified School District (SMMUSD)

Section Two: Maintenance of Effort

Background: SMMEF has supported a variety of programs within SMMUSD for a number of years. These programs are funded by SMMEF with personnel hired by SMMUSD. No policy has existed at either SMMEF or SMMUSD governing the maintenance of effort on programs funded and/or managed by SMMEF. Consequently, no process has been formalized to determine the greatest needs in the District and the capacity of SMMEF to meet those needs. This policy and process is designed to keep intact the proper roles of the School Board as the policy-makers for SMMUSD and for SMMEF as a major partner in support of jointly determined priorities.

This policy is designed to insure sustainability of programs and a fair, appropriate and realistic sharing of responsibility between SMMUSD and SMMEF. Following is the policy governing the maintenance of effort on programs funded and/or managed by SMMEF in partnership with SMMUSD. For the purposed of this Agreement, “programs” are defined as any new initiative or service jointly undertaken by SMMEF and SMMUSD.

Policy:

- SMMEF provides funding solely for programs and activities in partnership with SMMUSD. No funding is provided to outside organizations or educational institutions
- All programs funded by SMMEF must be approved by both SMMEF and SMMUSD according to the Policy and Process for Determining Funding Priorities contained in this Master Agreement
- A plan for maintaining and sustaining programs funded and/or managed by SMMEF, in partnership with SMMUSD, must be developed prior to the approval of any new programs funded and/or managed by SMMEF. This plan must consider:
 - Evaluation of sustainability of existing programs
 - Evaluation of new program and effect of adopting new programs on existing programs
- The elements of this Maintenance of Effort Plan are:
 - Multi-year program cost projections
 - Specific funding responsibilities of both SMMEF and SMMUSD
 - Agreement to immediately meet to develop a contingency plan in the event that SMMEF or SMMUSD is unable to cover their respective funding responsibilities.

Approvals:

Policy and process adopted by SMMEF Board of Directors: DATE

SMMUSD Board of Education shall adopt terms of the Master Agreement between SMMEF and SMMUSD, including Maintenance and Effort: DATE

SANTA MONICA-MALIBU EDUCATION FOUNDATION

Master Agreement Between the Santa Monica-Malibu Education Foundation (SMMEF) and the Santa Monica-Malibu Unified School District (SMMUSD)

Section Three: SMMEF Fund Distribution to SMMUSD

Background:

SMMEF has supported a variety of programs within SMMUSD for a number of years. The partnership has resulted in two categories of programs:

- Category 1 Programs are funded by SMMEF and run by SMMUSD personnel, such as Dream Winds and Dream Strings and Olympic H.S. music classes
- Category 2 Programs are programs that are wholly run by SMMEF, such as Ed Ahead and Summer Adventure (in partnership with SMMPTA Council)

No policy has previously existed at either SMMEF or SMMUSD governing the determination of fund distribution between the two entities. This policy and process is designed to specify the means by which funds will be disbursed from SMMEF to SMMUSD in support of jointly determined priorities and program plans. Following is the policy and process governing Fund Distribution.

Policy:

The following general policies apply to all programs, Categories 1 & 2:

- Any and all donations to SMMUSD must be approved by the SMMEF Board of Directors prior to fund distribution
- SMMEF will distribute bill payment to SMMUSD within ninety days of receiving an invoice or request in writing, unless an alternative timeframe is otherwise explicitly agreed to by both parties in writing
- SMMUSD agrees to waive fees for use of facilities by SMMEF programs, provided that programs do not require additional SMMUSD staff. In the event that additional staff are required for operation of such programs, SMMEF will pay SMMUSD for the cost of employing such staff at a rate agreed upon in advance by both parties

Category 1 Programs

The following policies apply to all Category 1 Programs:

- SMMEF donates monies to SMMUSD for Category 1 programs in accordance with the priorities and amounts established during the fund allocation process described previously in section one of this agreement
- SMMEF, in conjunction with SMMUSD, will determine a timeline for distribution of this donation to SMMUSD
- SMMUSD will report the results of Category 1 Program donations to SMMEF at least one time per year. Such reporting will include general financial accounting information, as well as program-specific data

Category 2 Programs

The following policies apply to all Category 2 Programs:

- Category 2 Programs involve collection of participation fees by SMMEF
- Fund distribution for Category 2 Programs involve payment of costs and usually includes a donation component
- SMMUSD agrees to provide SMMEF with the information necessary to determine SMMEF's cost factors to be included in the fee structures for fee-based programs
- SMMEF is responsible for setting the fee structure for Category 2 programs

Process:

The process for determining the funding priorities and commitments for the subsequent school year, described previously in section one of this agreement "SMMEF Allocations to SMMUSD," will define the procedures for distributing funds.

Approvals:

Fund Distribution Policy and Process adopted by SMMEF Board of Directors:
DATE

SMMUSD Board of Education shall adopt terms of the Master Agreement between SMMEF and SMMUSD: DATE

SANTA MONICA-MALIBU EDUCATION FOUNDATION

Master Agreement Between the Santa Monica-Malibu Education Foundation (SMMEF) and the Santa Monica-Malibu Unified School District (SMMUSD)

Section Four: Agreement Relating to Program Evaluation and Reporting

Background:

The purpose of the Partnership Agreement Relating to Program Evaluation and Reporting is to establish policies and processes for ensuring effective and marketable SMMUSD-SMMEF programs through annual accountability measures. In light of limited resources and competing needs within SMMUSD, both SMMUSD and SMMEF have a mutual interest in ensuring that programs funded are of significant value, and that the relative effectiveness of programs can be ascertained. Program evaluation activities involve clarifying program goals and objectives, identifying appropriate outcomes, developing systems for measuring outcomes and reporting results to program and other stakeholders. Evaluation results will be used to inform the discussion of funding priorities annually.

In addition, SMMEF must be able to demonstrate to stakeholders that its annual donations to SMMUSD are measurable and beneficial to the students, teachers and others. Measuring progress toward goals through an annual evaluation process is critical for improving effectiveness and enhancing SMMEF's ability to communicate the value of programs to donors and other stakeholders.

Policy:

- All SMMEF funded programs will be reviewed annually, in accordance with the timeframes and approvals outlined in Section One of this agreement.
- Quantitative and/or qualitative data may be used to review programs.

Process:

Category 1 Programs

SMMUSD representatives will develop appropriate evaluation guidelines for collecting data and reporting results to the SAC, SMMEF Board of Directors and the BOE. This will be done annually and results will be used to determine priority funding for the subsequent school year.

Category 2 Programs

For Category 2 Programs, working committees will be formed annually specific to each program for the purpose of identifying program goals and outcomes, deciding on appropriate indicators and determining the data collection methods and/or instruments to be used. Participants will include SMMEF staff and SMMUSD staff, as appropriate. The SMMEF staff person in charge of programs will manage these workgroups and oversee the collection and reporting of data to and from SMMEF and SMMUSD, in collaboration with SMMEF's Executive Director.

Timeline:

SMMUSD will provide data related to Category 1 Programs to SMMEF no later than the end of September of each year for the previous fiscal year, unless otherwise agreed in advance for specific programs.

SMMEF will report the results of Category 2 Programs to SMMUSD no later than the end of September of each year for the previous fiscal year, unless otherwise agreed in advance for specific programs.

Approvals:

Program Evaluation and Reporting Process adopted by SMMEF Board of Directors: DATE

SMMEF and Board of Education shall report terms of the Master Agreement between SMMEF and SMMUSD, including Program Evaluation and Reporting: DATE

SANTA MONICA-MALIBU EDUCATION FOUNDATION

Master Agreement Between the Santa Monica-Malibu Education Foundation (SMMEF) and the Santa Monica-Malibu Unified School District (SMMUSD)

Section Five: Formalized Communications

Background:

SMMEF and SMMUSD work jointly on a variety of programs and activities. It is vital that communication between SMMEF and SMMUSD, both formally and informally, is carried out clearly, efficiently and in a spirit of cooperation. It is also important that communication to the media and the public concerning joint SMMUSD/SMMEF projects is developed cooperatively and accurately. Following is the policy governing formalized communication and media.

Policy:

- All press releases, media inquiries or other communications with the press concerning joint SMMEF/SMMUSD programs or activities will be reviewed and approved prior to release by designated representatives from both SMMEF and SMMUSD
- At no time shall members of SMMEF's staff or Board of Directors or committees represent themselves as speaking on behalf of SMMUSD to the press or community at large unless requested to do by SMMUSD
- At no time shall SMMUSD staff, BOE or committee members represent themselves as speaking on behalf of SMMEF to the press or community at large unless requested to do so by SMMEF
- All media and marketing plans related to joint SMMEF/SMMUSD programs and activities must be developed cooperatively by designated representatives of both SMMEF and SMMUSD
- A SMMEF representative shall provide an update at a regularly scheduled meeting of the SMMUSD Board of Education quarterly

Approvals:

Policy and process adopted by SMMEF Board of Directors: DATE

SMMEF and Board of Education shall report terms of the Master Agreement between SMMEF and SMMUSD, including Formalized Communication: DATE

SANTA MONICA-MALIBU EDUCATION FOUNDATION

Master Agreement Between the Santa Monica-Malibu Education Foundation (SMMEF) and the Santa Monica-Malibu Unified School District (SMMUSD)

Section Six: Use of Data and Shared Information

Background:

SMMEF and SMMUSD share data and information on a variety of programs and activities. It is important that data is used in accordance with all applicable privacy laws and SMMEF and SMMUSD policy. Further, SMMEF and SMMUSD have a responsibility to protect the personal information of students, parents, volunteers and donors. Following is the policy governing SMMEF's and SMMUSD's use of data and shared information.

Policy:

- Each year, SMMUSD will provide to SMMEF the master parent database and alumni database for use in SMMEF fundraising, program and community education activities
- SMMEF shall not use the SMMUSD parent database or alumni database for any purpose other than fundraising solicitation, program-related communications and community education activities
- SMMEF is prohibited from selling or in any manner providing any outside party with the SMMUSD parent database or alumni database
- SMMUSD may use SMMEF's logo only in response to a written request and approval by SMMEF
- SMMEF may use SMMUSD's logo only in response to a written request and approval by SMMUSD
- SMMUSD may not use any representation of SMMEF's corporate donors without the prior consent of SMMEF
- All SMMEF use of district-wide voice-messaging systems must be pre-approved by SMMUSD administration
- SMMEF and SMMUSD will each maintain a link on the home page to the other's website at all times
- SMMUSD must consult with SMMEF before seeking corporate funding to avoid duplication of effort

Approvals:

Policy and process adopted by SMMEF Board of Directors: DATE

SMMUSD Board of Education shall adopt terms of the Master Agreement between SMMEF and SMMUSD, including Use of Data and Shared Information: DATE

SANTA MONICA-MALIBU EDUCATION FOUNDATION

Master Agreement Between the Santa Monica-Malibu Education Foundation (SMMEF) and the Santa Monica-Malibu Unified School District (SMMUSD)

Section Seven: Lobbying and Advocacy

Background:

State and Federal budget cuts and changes in educational policy dramatically impact SMMUSD budget and programming. These factors also play a large role in determining the level of support expected from private resources through SMMEF. Both SMMEF and SMMUSD have a vested interest in making sure that lobbying and advocacy strategies are coordinated, consistent and effective in achieving a positive benefit for SMMUSD's students. At times, each organization may advocate or lobby individually for or against public policy issues affecting them. For instance, some public policy issues affecting the management of non-profit organizations are within the purview of SMMEF and of little concern to SMMUSD. However, SMMEF and SMMUSD should strive to coordinate all advocacy and lobbying activities around educational policy. Following is SMMUSD's and SMMEF's policy on joint lobbying and advocacy activities.

Policy:

- SMMEF will maintain two ex officio positions on its Board of Directors for School Board Liaisons chosen annually by the SMMUSD Board of Education
- SMMEF will maintain an ex officio position on its Board of Directors for the SMMUSD Superintendent
- SMMEF will not endorse any candidate for the SMMUSD Board of Education

Approvals:

Policy and process adopted by SMMEF Board of Directors: DATE

SMMUSD Board of Education shall adopt terms of the Master Agreement between SMMEF and SMMUSD, including Lobbying and Advocacy: DATE

SANTA MONICA-MALIBU EDUCATION FOUNDATION

Master Agreement Between the Santa Monica-Malibu Education Foundation (SMMEF) and the Santa Monica-Malibu Unified School District (SMMUSD)

Section Eight: Donor Relations

Background:

Funding through SMMEF to SMMUSD comes in many forms and from thousands of individual, corporate, community and governmental donors. To avoid confusion and to promote a unified message, it is important that SMMEF and SMMUSD agree on a set of guidelines regarding donor relations. Following is the policy governing donor relations.

Policy:

- SMMEF shall assume primary management responsibility for donor contact, solicitation, acknowledgement, relationship building and other fundraising strategies, means and methods
- SMMUSD shall provide SMMEF with access to the Superintendent, School Board Members and SMMUSD staff for the purposes of introduction, information, clarification and relationship building with donors
- SMMUSD will consult with SMMEF prior to contacting donors or potential donors regarding their contribution to SMMEF
- SMMUSD will hold meetings with donors to SMMEF regarding their contribution only with a representative of SMMEF present.

Approvals:

Policy and process adopted by SMMEF Board of Directors: DATE

SMMUSD Board of Education shall adopt terms of the Master Agreement between SMMEF and SMMUSD, including Donor Relations: DATE

SANTA MONICA-MALIBU EDUCATION FOUNDATION

Master Agreement Between the Santa Monica-Malibu Education Foundation (SMMEF) and the Santa Monica-Malibu Unified School District (SMMUSD)

Section Nine: Representation

Background:

SMMEF and SMMUSD have a vested interest in serving in official and informal capacities on joint committees, Board, planning/advisory bodies. Following is the policy governing SMMEF's and SMMUSD's representation on one another's Board, committees and planning/advisory bodies.

Policy:

- On an annual basis, SMMUSD's Board of Education will appoint two School Board members to serve as liaisons and serve in an ex officio capacity of SMMEF's Board of Directors
- SMMEF will include SMMUSD's Superintendent and SMMUSD's School Board liaisons on all strategic planning committees
- SMMUSD will designate a spot for at least one SMMEF representative on all district-wide strategic planning committees

Approvals:

Policy and process adopted by SMMEF Board of Directors: DATE

SMMUSD Board of Education shall adopt terms of the Master Agreement between SMMEF and SMMUSD, including Representation: DATE

SANTA MONICA-MALIBU EDUCATION FOUNDATION

Master Agreement Between the Santa Monica-Malibu Education Foundation (SMMEF) and the Santa Monica-Malibu Unified School District (SMMUSD)

Section Ten: Amendment of Master Agreement

Background:

From time to time it may become necessary to amend this Master Agreement. Following is the policy and process governing amendment of the Master Agreement between SMMEF and SMMUSD.

Policy:

- Amendment of this Master Agreement requires approval of both SMMUSD and SMMEF
- Recommended amendments can originate from either SMMEF or SMMUSD at any time

Process:

1. Either SMMUSD's Superintendent or SMMEF's Executive Director/CEO submits a recommended amendment(s) to SMMEF
2. SMMEF discusses the amendment(s) and, if approved, forwards to the SMMUSD Board of Education for approval at its next regular meeting.
3. SMMUSD School Board discusses the amendment(s) with any recommended changes forwarded back to SMMEF for its consideration
4. SMMEF approves any revisions
5. SMMUSD adds amendment(s) to the agenda within sixty days of approval by SMMEF
6. SMMUSD Board of Education approves amendment(s)
7. Updated versions of the Master Agreement are circulated to the SMMEF and the SMMUSD Board of Education and management staff within 30 days of amendment

Approvals:

Policy and process adopted by SMMEF Board of Directors: DATE

SMMUSD Board of Education shall adopt terms of the Master Agreement between SMMEF and SMMUSD, including Amendment of Master Agreement: DATE

TO: BOARD OF EDUCATION

DISCUSSION

11/15/12

FROM: SANDRA LYON

RE: CONSIDER REVISING BP AND ADOPTING AR 7310 – NAMING OF FACILITY FACILITIES AND PROGRAMS

DISCUSSION ITEM NO. D.02

It is recommended that the Board of Education consider revising BP and adopting AR 7310 – Naming of ~~Facility~~ Facilities and Programs.

COMMENTS: As a part of developing the Centralized Fundraising Implementation Plan last year, the Board created the Superintendent's Advisory Group (SAG), which met to determine elements necessary to make the move to Centralized Fundraising successful. The group was divided into various task committees and each made recommendations to the Board, which were then enveloped into a recommendation by the Superintendent regarding next steps and the timeline for implementation.

The task committee for Business/Corporate Fundraising, as part of its recommendations, identified donor recognition as an important component. Their recommendation to the Board of Education stated, "In order to maximize large corporate and business donations, it is necessary to provide donors with a significant donor acknowledgement platform." The task committee listed a naming policy as a part of that recognition platform. This policy and administrative regulation has been drafted in consultation with the SMMEF fundraising consultant and has been previewed and discussed by members of the Superintendent's Advisory Committee (SAC).

Language stricken in the BP can now be found in the AR.

NAMING OF ~~FACILITY~~ FACILITIES AND PROGRAMS**Naming Applicability**

This policy applies to the naming of facilities including buildings and structures, interior spaces, landscapes, roads, collections, programs on the various campuses and other facilities within the District.

Policy

The Santa Monica-Malibu Unified School District welcomes the opportunity to honor those who have rendered extraordinary service or support to the District. Facilities, spaces, endowments or programs may be named for individuals or entities whose accomplishments or generosity advance the academic mission of the District, further the capacity of the District to meet its teaching and scholarly objectives, serve its community, and enhance the growth and reputation of the District.

A decision to construct or renovate a building, or create a program is to be taken on the basis of established academic and other operational criteria and approved in keeping with the District's established practices and academic mission.

Naming will be independent of all personnel and curriculum decisions which the District will continue to make in keeping with its established practices and academic mission.

To ensure the appropriateness of the honor, the District will follow the guidelines listed in AR 7310 as it makes decisions on a case-by-case basis with regard to naming facilities, spaces, endowments or programs.

~~The Board of Education shall name schools or individual buildings in recognition of:~~

- ~~1. Individuals, living or deceased, who have made outstanding contributions to the county or community~~
- ~~2. Individuals, living or deceased, who have made contributions of state, national or worldwide significance~~
- ~~3. The geographic area in which the school or building is located~~

~~The Board encourages community participation in the process of selecting names. A citizen advisory committee shall be appointed, as needed, to review name suggestions and submit recommendations for the Board's consideration.~~

~~While it is the intent of the Board that the names of district buildings, sites, and facilities should be permanent, the Board recognizes that conditions may arise where the renaming of such buildings, sites, and/or facilities may be appropriate or necessary. The renaming of existing buildings, sites, and/or facilities shall occur only at the discretion of the Board.~~

Memorials

~~Upon request, the Board shall consider naming buildings, parts of buildings or athletic fields in honor of the contributions of students, staff members and community members who have been deceased for at least one year.~~

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: June 25, 2009 Santa Monica, California**

NAMING OF ~~FACILITY~~ FACILITIES AND PROGRAMS**A. Criteria for Selection of Honorees**

Naming a facility, space, endowment or program for an individual, organization or corporation is one of the highest honors that the District can bestow. This recognition is a lasting and powerful affirmation of the honoree's connection to the District's mission. As such, honorees shall have exemplary character, an unqualified reputation for honesty, personal integrity and the highest standards of personal and professional ethics.

1. Extraordinary Service

Honorees who have been employed by the District shall have given extraordinary service to the institution in a teaching, service or administrative field with such exceptional distinction that their contributions are widely recognized by their peers, both at the District and elsewhere. The recognition afforded the honoree may also include private financial contributions related to the naming opportunity. Honorees may not be in active service at the District or hold elected office at the time of the naming, unless the circumstances are exceptional.

2. Private Financial Support

Individuals, corporations and other organizations may be considered for naming recognition if they have made significant financial contributions to the District related to the naming opportunity. Decisions regarding such recognition are made on a case-by-case basis in accordance with the approval process contained in this policy and any other applicable District policies and shall also take into consideration the total cost of the project, the availability of other funds and the level of financial contribution. A bequest or legacy gift from a donor who is still alive will not normally be considered for a naming opportunity until such time as the gift is realized.

Naming opportunities will be provided as defined in BP 7310 and will be defined based on the following gift giving levels:

a. Endowed Scholarships and Awards: \$10,000

Full minimum endowment level (i.e. \$10,000 or more) must be invested for one full year prior to award. Award annually should represent 5% of the corpus, in accordance with SMMEF Board policy.

b. Facilities/Capital Projects

i. New building and/or section (wing) of a new building: Based on costs, however, \$1,000,000 minimum for a section/wing of a building and \$2,500,000 minimum for a whole building, should be considered minimum threshold.

ii. Athletic and performing arts facilities (new and existing) should also be based on costs but may differ in naming levels due to public nature of facilities (i.e. perceived "value" of football stadium

or theatre greater than that of chemistry classroom or administrative offices).

- iii. Specialized space within a new facility (e.g., workout room in a gymnasium, or temperature controlled room for archives in a library): \$25,000 minimum but decision should relate to the specific costs of the space.
- iv. New laboratory space: \$50,000
- v. New conference rooms/meeting rooms: \$50,000
- vi. New classroom space: \$25,000
- vii. New lounge area/office space: \$10,000
- viii. Renovation of existing laboratory space: \$25,000
- ix. Renovation of existing conference room/meeting rooms: \$25,000
- x. Renovation of existing classroom space: \$10,000
- xi. Renovation of existing office/lounge area space: \$5,000

B. Request for Approval

Since naming facilities, spaces, endowments and programs has a long-term impact on the District, the approval process is designed to ensure such action is in the best interest of the District. All naming requests will be reviewed by the Superintendent in accordance with the guidelines and procedures adopted by the Santa Monica-Malibu Unified School District Board of Education. A plan for any naming opportunity that involves private financial support must be submitted in writing to the Superintendent prior to submission of a request for approval of a specific name. In the best interest of the District and prospective honorees, information relating to any naming request or plan should remain confidential until appropriate approvals have been obtained.

- 1. Naming facilities and spaces that are part of the outside environment of the District must be approved by the Board of Education.
- 2. Naming facilities and spaces that are part of the interior space of the District must be approved by the Superintendent. At the discretion of the Superintendent, the request may be forwarded to the Board of Education for approval.
- 3. Naming facilities and spaces that are made up of portable items which are identifiable because of a specific focus or purpose (for example, collections of art and/or artifacts) must be approved by the Superintendent, in consultation with the school site Principal.
- 4. The display of tribute markers which include plaques, medallions or other markers in association with features such as trees, benches or small monuments must be approved by the Superintendent.
- 5. The naming of academic or non-academic programmatic entities (such as departments, programs, and centers) must be approved by the Board of Education.

The Board of Education reserves the right to review for approval, on a case-by-case basis, any naming request not specifically addressed above and not otherwise delegated by the Board of Education to the Superintendent of the District.

C. Duration of Name

Naming of facilities, spaces, endowments and programs in honor of individuals is generally expected to last the lifetime of the facility, space, endowment or program. Naming of facilities, spaces, endowments and programs in honor of corporations or other organizations will have a set number of years attached to the naming which will be determined on a case-by-case basis and listed in the signed gift agreement. Naming associated with a particular facility, space, endowment or program will not preclude further naming within the facility, space, endowment or program.

While it is the intent of the Board that the names of district buildings, sites, and facilities should be permanent, the Board recognizes that conditions may arise where the renaming of such buildings, sites, and/or facilities may be appropriate or necessary. The renaming of existing buildings, sites, and/or facilities shall occur only at the discretion of the Board.

D. Request Processing

Every reasonable effort will be made to ensure that a naming request will be acted upon within thirty (30) days of the initial submission of that request to the Superintendent.

E. Recording and Reporting

The District Secretary will be responsible for recording the official decisions on all naming requests and reporting those decisions to the appropriate District officials.

Implementation

The Superintendent will develop detailed policies and procedures to ensure that the naming of facilities, spaces, endowments and programs is consistent with this Board policy. The Superintendent and the Assistant Superintendent of Business Services shall appoint a Committee on Naming Facilities, Spaces, Endowments, and Programs to review naming plans and requests and to make recommendations for approval.

Naming Schools

The Board of Education shall name schools in recognition of:

1. Individuals, living or deceased, who have made outstanding contributions to the county or community
2. Individuals, living or deceased, who have made contributions of state, national or worldwide significance
3. The geographic area in which the school or building is located

The Board encourages community participation in the process of selecting school names. A citizen advisory committee shall be appointed, as needed, to review name suggestions and submit recommendations for the Board's consideration.

~~While it is the intent of the Board that the names of district buildings, sites, and facilities should be permanent, the Board recognizes that conditions may arise where the renaming of such buildings, sites, and/or facilities may be appropriate or necessary. The renaming of existing buildings, sites, and/or facilities shall occur only at the discretion of the Board.~~

Memorials

~~Upon request, the Board shall consider naming buildings, parts of buildings or athletic fields in honor of the contributions of students, staff members and community members who have been deceased for at least one year.~~

**Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: Santa Monica, California**

TO: BOARD OF EDUCATION

DISCUSSION

11/15/12

FROM: SANDRA LYON / TERRY DELORIA / MAUREEN BRADFORD

RE: 2012 SUMMER PROGRAMS UPDATE

DISCUSSION ITEM NO. D.03

A number of innovative and intensive summer school programs for SMMUSD students were held from late June through August 2012.

This presentation will report on the programs offered, program goals, enrollment figures, pre- and post-data, and follow-up data for prior years' summer programs. This information will provide the basis for discussion of the 2012 IISS program and implications for future development and improvement of potential summer programs for 2013.

MAJOR ITEMS

TO: BOARD OF EDUCATION

ACTION/MAJOR

FROM: SANDRA LYON / JANECE L. MAEZ

11/15/12

6:45pm

RE: ADOPT RESOLUTION NO. 12-08 – SUPPORT FOR CONFLICT FREE
MINERALS IN ELECTRONIC PRODUCTS

RECOMMENDATION NO. A.21

At the September 6, 2012 Board of Education meeting, students from the Samohi Conflict-Free Minerals Club approached the Board asking for consideration of a resolution encouraging the use of conflict-free minerals in the production of electronic equipment purchased by the District. Ms. Emma Gardner, the club's president, presented a packet of information to each Board member that described the issue. She explained how the use of minerals in electronic equipment production is fueling one of the world's worst civil conflicts in Africa's Congo.

Staff has studied the request made by our Samohi students and recommend that the Board of Education adopt Resolution No. 12-08 – Support for Conflict Free Minerals in Electronic Products recognizing the humanitarian crisis in the Eastern Democratic Republic of the Congo by supporting the movement towards conflict free electronic products. Staff looked at other cities, universities and school districts including the University of Colorado, Boulder and the City of Pittsburgh who adopted conflict free initiatives or resolutions which encourage the purchase of electronics from "cleaner" companies. The adoption of this resolution encourages electronics companies with whom we do business to move towards a trace/audit/certify supply chain business model.

The following is a portion of the historical background for this initiative as reprinted from the resolution adopted by the University of Colorado, Boulder in September 2011.

The Democratic Republic of the Congo (DRC) is engulfed in intense conflict, particularly in the eastern region which has suffered for more than a decade. According to the International Rescue Committee, over 5 million civilians have died, making this the deadliest conflict since WWII. The mortality rate is estimated at 45 thousand per month due to famine, preventable disease, displacement, killings, and sexual violence. Although there are many specific problems contributing to the ongoing conflict, the demand for the minerals of tin, tantalum, tungsten and gold found in nearly every consumer electronics product are at the root. These minerals are plentiful in the eastern DRC mines, which are exploited by various militant and rebel groups, fueling the violence.¹

A critical aspect in helping end this conflict is severing the link between the minerals trade and the armed groups committing atrocities in the Congo. Transparency and accountability are crucial to make any progress toward a legitimate supply chain that is able to contribute to the positive development of the region. A framework that includes the concepts of trace, audit, and certify can create a system that will eliminate funding mechanisms for militia groups and armed factions. The chain for this change begins with the consumers of the end electronic products: us.

The US is helping lead this issue with the recent passage of provisions on conflict minerals from eastern Congo in the Dodd-Frank Wall Street Reform act. This has brought unprecedented attention to the linkages between trade in minerals crucial to consumer electronics products and the ongoing conflict in DRC¹ If conflict minerals originated in the DRC or in an adjoining country then a company will have to file a report with the SEC that describes the measures

taken by the company to exercise due diligence on the source and chain of custody of the minerals.²

Until now, companies have relied upon assurances from their suppliers that they do not purchase conflict minerals, without independent verification. With this law, the burden of proof shifts: now companies must find out where their suppliers actually source from. Most importantly, companies need to provide independent verification of these steps through an independent private sector audit of their reporting.¹

Although Congress has taken this first step, there remains a long path towards ending the illicit conflict minerals trade in the Congo. Specifically, this legislation currently only requires companies to trace and audit their supply chains, but does not establish either a certification requirement or penalties for companies who source from conflict areas. Given the negative publicity likely to accompany any public reporting of conflict minerals supply chains, one route for companies to take is to simply not source from the Congo or its neighbors at all. While this embargo may help clean up supply chains in the short term, it won't solve the problem in the long term. Minerals smuggled out of the Congo are smelted with non-conflict minerals which mean that without a certification scheme in place there is simply no guarantee of our products being conflict-free. Furthermore, the Congo is home to a substantial supply of the world's tin, tungsten and tantalum, which means that eventually the need for these minerals will reemerge and our supply chains will be tainted once more.¹

The Conflict-Free Campus Initiative is a nation-wide campaign to take action in order to build the consumer voice for conflict-free electronics – cell phones, laptops, and other devices that do not finance war in eastern Congo. Through using our power as students and important electronic consumers, we can actually bring about a shift in corporate and government policy and help bring peace to Congo.¹

¹ Enough Project. (2010). Campus Initiatives. Accessed October 14, 2010, from <http://www.raisehopeforcongo.org/content/initiatives/make-your-campus-conflict-free>.

² Understanding Conflict Mineral Provision (2010). Accessed October 21, 2010 <http://www.enoughproject.org/special-topics/understanding-conflict-minerals-provisions>.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

**SANTA MONICA–MALIBU UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

**RESOLUTION NUMBER 12-08
RESOLUTION OF SUPPORT FOR CONFLICT FREE ELECTRONIC
PRODUCTS**

WHEREAS, the District is committed to human rights and social justice in its governance documents and policies and has taken affirmative steps throughout its history to promote these values; and,

WHEREAS, conflict electronic products refer to electronic products containing any mineral mined in conditions of armed conflict and human rights abuses, notably in the Congo and Rwanda, with profits from the sale of these minerals financing continued fighting; and,

WHEREAS, the International Rescue Committee has found more than 5.4 million civilians have been killed and countless more remain at risk as a consequence of attacks conducted by armed groups in eastern Congo while the U.N. has urged the international community to press the armed militias and to cooperate with a U.N. peacekeeping force authorized under U.N. Security Council Resolution 1291; and,

WHEREAS, while the United States Senate and the House of Representatives have found that armed groups bear responsibility for massive atrocities in the eastern Congo, recent legislation has been signed into law (Section 1502 of the Dodd-Frank Wall Street Reform Act of 2010) requiring that companies submit an annual report to the Securities and Exchange Commission disclosing whether their products contain gold, tin, tantalum, or tungsten from the Congo or nearby areas; and,

WHEREAS, the District spends a significant amount of money on electronic products which may use conflict minerals in their supply chains.

NOW, THEREFORE BE IT RESOLVED, that this Governing Body calls on companies that supply the District with electronic products to factor whether electronic products contain conflict minerals.

BE IT FURTHER RESOLVED, that this Governing Body calls on electronic companies and other industries to take the necessary steps to remove conflict minerals from their supply chain.

BE IT FURTHER RESOLVED, that this Governing Body calls on US executive leadership in helping to establish an international certification system for minerals coming from Central Africa to ensure they are not contributing to conflict.

PASSED AND ADOPTED by the Board of Education of the Santa Monica-Malibu Unified School District, Los Angeles County, State of California, this 1st day of November, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

SANDRA LYON
Superintendent and Secretary
to the Board of Education

Date

TO: BOARD OF EDUCATION

ACTION/MAJOR

11/15/12

FROM: SANDRA LYON

RE: APPROVE CHARGES FOR DISTRICT ADVISORY COMMITTEES – 2012-13

RECOMMENDATION NO. A.22

It is recommended that the Board of Education approve the charges/goals for the following district advisory committees for 2012-13: Early Child Care. The District English Learners, Health and Safety, Special Education, and Visual and Performing Arts DAC charges have already been approved.

COMMENTS: The Board of Education discussed the draft charges with the DACs during the summer. The DACs then made any necessary changes to their draft charges based on board feedback.

As per AR 1220, the DAC staff liaisons and committee chairpersons shall provide the Board of Education with an update regarding the process of meeting these charges/goals in an informational item to the board at a regular meeting no later than February. No later than June, the DACs shall make an End-of-Year report to the Board of Education regarding the achievement of its charges/goals.

The current District Advisory Committees and their respective district staff liaison are as follows:

District Advisory Committee	Staff Liaison
English Learners Advisory	Aida Diaz
Child Care and Development	Judy Abdo
Community Health and Safety	Lora Morn
Visual & Performing Arts	Tom Whaley
Special Education	Sara Woolverton

(continued on next page)

EARLY CHILD CARE DISTRICT ADVISORY COMMITTEE
Charges for 2012-13

Chair: Judy Abdo

Staff Liaison: Jennifer Kennedy

Charges:

- Provide a forum for discussion of funding for Child Development for early childhood programs focusing on ages 0 to 5 years and for school age out of school programs for children 5 to 8 years and middle school.
- Provide information and expertise for the Cradle to Career process.
- Continue development of transition planning to prepare preschool children for kindergarten and transitional kindergarten
- Continue early identification of children who may benefit from assessment.
- Working with Education Services, develop supportive activities for preschool and school age students to prevent and reduce the achievement gap.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/MAJOR

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ

RE: ADOPT RESOLUTION NO. 12-09 – AUTHORIZING THE ISSUANCE OF SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT (LOS ANGELES COUNTY, CALIFORNIA) ELECTION OF 2006 GENERAL OBLIGATION BONDS, SERIES D, AND ACTIONS RELATED THERETO

RECOMMENDATION NO. A.23

It is recommended that the Board of Education adopt Resolution No. 12-09 – Authorizing the issuance of Santa Monica-Malibu Unified School District (Los Angeles County, California) Election of 2006 General Obligation Bonds, Series D, And Actions Related Thereto.

BACKGROUND

An Election was held in the Santa Monica Malibu Unified School District on November 7, 2006 for the issuance and sale of general obligation bonds of the District for various purposes in the maximum amount of \$268,000,000 (the “Measure BB”). The District now desires to issue the fourth and final series of bonds under Measure BB in an amount not-to-exceed \$83,000,000.

(a) Bond Resolution. This Resolution authorizes the issuance of general obligation bonds (the “Bonds”). The resolution specifies the basic terms, parameters and forms of the Bonds, and approves the form of Purchase Contract and form of Preliminary Official Statement described below. In particular, Section 1 of the Resolution establishes the maximum aggregate principal amount of the Bonds to be issued (\$83,000,000). Section 4 of the Resolution states the maximum underwriter’s discount (0.50%) with respect to the Bonds, and authorizes the Bonds to be sold at a negotiated sale to Stone & Youngberg, a Division of Stifel Nicolaus and RBC Capital Markets, LLC (the “Underwriters”).

(b) Form of Purchase Contract. Pursuant to the Purchase Contract, the Underwriters will agree to buy the Bonds from the District. All the conditions of closing the transaction are set forth in this document, including the documentation to be provided at the closing by various parties. Upon the pricing of the Bonds, the final execution copy of the Purchase Contract will be prepared following this form.

(c) Form of Preliminary Official Statement. The Preliminary Official Statement (“POS”) is the offering document describing the Bonds which may be distributed to prospective purchasers of the Bonds. The POS discloses information with respect to among other things (i) the proposed uses of proceeds of the Bonds, (ii) the terms of the Bonds (interest rate, redemption terms, etc.), (iii) the bond insurance policy for the Bonds, if any, (iv) the security for repayment of the Bonds (the tax levy), (v) information with respect to the District’s tax base (upon which such ad valorem taxes may be levied), (vi) District financial and operating data, (vii) continuing disclosure with respect to the Bonds and the District, and (viii) absence of litigation and other miscellaneous matters expected to be of interest to prospective purchasers of the Bonds. Following the pricing of the Bonds, a final Official Statement for the Bonds will be prepared, substantially in the form of the POS.

FISCAL IMPACT

There is no fiscal impact to the General Fund resulting from the issuance of the Bonds.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

RESOLUTION NO. ____

A RESOLUTION OF THE BOARD OF EDUCATION OF THE SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT, LOS ANGELES COUNTY, CALIFORNIA, AUTHORIZING THE ISSUANCE OF SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT (LOS ANGELES COUNTY, CALIFORNIA) ELECTION OF 2006 GENERAL OBLIGATION BONDS, SERIES D, AND ACTIONS RELATED THERETO

WHEREAS, a duly called municipal election was held in the Santa Monica-Malibu Unified School District (the “District”), Los Angeles County (the “County”), State of California, on November 7, 2006 (the “Election”) and thereafter canvassed pursuant to law;

WHEREAS, at the Election there was submitted to and approved by the requisite fifty-five percent or more vote of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for the various purposes set forth in the ballot submitted to the voters, in the maximum amount not-to-exceed \$268,000,000, payable from the levy of an *ad valorem* tax against the taxable property in the District (the “Authorization”);

WHEREAS, on October 16, 2007, the Board of Supervisors of the County issued, on behalf of the District, the first series of bonds pursuant to the Authorization in an aggregate principal amount of \$60,000,000;

WHEREAS, on August 5, 2009, the Board of Supervisors of the County issued, on behalf of the District, the second series of bonds pursuant to the Authorization in an aggregate principal amount of \$60,000,000;

WHEREAS, on July 27, 2010, the Board of Supervisors of the County issued, on behalf of the District, the third series of bonds pursuant to the Authorization in an aggregate principal amount of \$65,000,000;

WHEREAS, at this time this Board of Education (the “Board”) has determined that it is necessary and desirable to authorize the fourth issuance of bonds under the Authorization in an aggregate principal amount not-to-exceed \$83,000,000, and to be styled as “Santa Monica-Malibu Unified School District (Los Angeles, County, California) Election of 2006 General Obligation Bonds, Series D” (the “Bonds”);

WHEREAS, pursuant to Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California (the “Government Code”), the Bonds are authorized to be issued by the District for purposes set forth in the ballot submitted to the voters at the Election;

WHEREAS, this Board desires to authorize the issuance of the Bonds in one or more series of taxable or tax-exempt bonds, and further as any combination of current interest bonds, capital appreciation bonds, or convertible capital appreciation bonds;

WHEREAS, the District has not filed with nor received from the County office of education having jurisdiction over the District a qualified or negative certification in its most recent interim financial report pursuant to Section 42131 of the California Education Code;

WHEREAS, this Board desires to appoint certain professionals to provide services related to the issuance of the Bonds; and

WHEREAS, all acts, conditions and things required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of general obligation bonds of the District, and the indebtedness of the District, including this proposed issue of Bonds, is within all limits prescribed by law;

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED BY THE BOARD OF EDUCATION OF THE SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT, LOS ANGELES COUNTY, CALIFORNIA, AS FOLLOWS:

SECTION 1 Authorization for Issuance of the Bonds. To raise money for the purposes authorized by the voters of the District at the Election, and to pay all necessary legal, financial, engineering and contingent costs in connection therewith, the Board hereby authorizes the issuance of the Bonds pursuant to Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code in one or more series of taxable or tax-exempt bonds, with appropriate designation if more than one series is issued, and as any combination of Current Interest, Capital Appreciation and Convertible Capital Appreciation Bonds (as defined herein), as set forth in the fully executed Bond Purchase Contract (as defined herein). The Board further orders such Bonds sold such that the Bonds shall be dated as of a date to be determined by an Authorized Officer (defined herein), shall be payable upon such terms and provisions as shall be set forth in the Bonds, and shall be in an aggregate principal amount not-to-exceed \$83,000,000.

SECTION 2 Paying Agent. This Board does hereby appoint the Treasurer (as defined herein) as the Paying Agent (defined herein) for the Bonds on behalf of the District. The Treasurer is authorized to contract with any third party to perform the series of Paying Agent hereunder. This Board hereby approves the payment of the reasonable fees and expenses of the Paying Agent as they shall become due and payable. The fees and expenses of the Paying which are not paid as a cost of issuance of the Bonds may be paid in each year from *ad valorem* taxes levied and collected for the payment thereof, insofar as permitted by law, including specifically by Section 15232 of the Education Code.

SECTION 3 Terms and Conditions of Sale. The Bonds shall be sold upon the direction of the Superintendent or the Assistant Superintendent, Business and Fiscal Services/CFO of the District, or such other officers or employees of the District as the Superintendent or the Assistant Superintendent, Business and Fiscal Services/CFO may designate (collectively, the “Authorized Officers”). The Board hereby authorizes the sale of the Bonds at a negotiated sale, which is determined to provide more flexibility in the timing of the sale, an ability to implement the sale in a shorter time period, an increased ability to structure the Bonds to fit the needs of particular purchasers, and a greater opportunity for the Underwriters (as defined herein) to pre-market the Bonds to potential purchasers prior to the sale, all of which will contribute to the District’s goal of achieving the lowest overall cost of funds. The Bonds shall be sold pursuant to the terms and conditions set forth in the Purchase Contract, as described below.

SECTION 4 Approval of Purchase Contract. The form of contract for purchase of the Bonds (the “Purchase Contract”) by and between the District and the Underwriters (as defined herein), for the purchase and sale of the Bonds, substantially in the form on file with the Board, is hereby approved and the Authorized Officers, each alone, are hereby authorized and requested to acknowledge

the execution of such Purchase Contract; provided, however, that the maximum interest rate on the Bonds shall not exceed the maximum rate permitted by law and the underwriting discount thereon, excluding original issue discount and expenses of the Underwriters, shall not exceed 0.50% of the aggregate principal amount of Bonds issued. The Authorized Officers, each alone, are further authorized to determine the principal amount of the Bonds to be specified in the Purchase Contract for sale by the District up to \$83,000,000 and to enter into and execute the Purchase Contract with the Underwriters, if the conditions set forth in this Resolution are satisfied. The Board estimates that the costs associated with the issuance of the Bonds, including compensation to the Underwriters (but excluding fees of the Bond Insurer, if any), will equal approximately 1.0% of the principal amount of the Bonds.

SECTION 5 Certain Definitions. As used in this Resolution, the terms set forth below shall have the meanings ascribed to them (unless otherwise set forth in the Purchase Contract):

(a) **“Accreted Interest”** means, with respect to Capital Appreciation Bonds and Convertible Capital Appreciation Bonds prior to the Conversion Date, the Accreted Value thereof minus the Denominational Amount thereof as of the date of calculation.

(b) **“Accretion Rate”** means, unless otherwise provided by the Purchase Contract, that rate which, when applied to the Principal Amount of a Capital Appreciation Bond or a Convertible Capital Appreciation Bond prior to the Conversion Date, and compounded semiannually on each February 1 and August 1, (commencing on February 1, 2013), produces the Maturity Value on the maturity date (with respect to Capital Appreciation Bonds) and the Conversion Value on the Conversion Date (with respect to Convertible Capital Appreciation Bonds).

(c) **“Accreted Value”** means, as of the date of calculation, with respect to Capital Appreciation Bonds and Convertible Capital Appreciation Bonds prior to the Conversion Date, the Denominational Amount thereof plus Accreted Interest thereon to such date of calculation, compounded semiannually on each February 1 and August 1, commencing on February 1, 2013 (unless otherwise provided in the Purchase Contract) at the stated Accretion Rate to maturity thereof, assuming in any such semiannual period that such Accreted Value increases in equal daily amounts on the basis of a 360-day year of 12, 30-day months.

(d) **“Beneficial Owner”** means, when used with reference to book-entry Bonds registered pursuant to Section 6 hereof, the person who is considered the beneficial owner of such Bonds pursuant to the arrangements for book entry determination of ownership applicable to the Depository.

(e) **“Bond Insurer”** means any insurance company which issues a municipal bond insurance policy insuring the payment of Principal, Conversion Value and Maturity Value of and interest on the Bonds.

(f) **“Bond Payment Date”** means, as applicable (and unless otherwise provided by the Purchase Contract), (i) with respect to the Current Interest Bonds, February 1 and August 1 of each year commencing February 1, 2013 with respect to interest thereon, and the stated maturity dates thereof with respect to the Principal payments on the Current Interest Bonds, (ii) with respect to interest on the Convertible Capital Appreciation Bonds, February 1 and August 1 of each year, commencing on the first February 1 or August 1 following the

respective Conversion Dates thereof, and the stated maturity dates thereof with respect to the Conversion Value of the Convertible Capital Appreciation Bonds, and (iii) with respect to the Capital Appreciation Bonds, the stated maturity dates thereof.

(g) **“Capital Appreciation Bonds”** means the Bonds the interest component of which is compounded semiannually on each February 1 and August 1 (commencing on February 1, 2013 (unless otherwise provided in the Purchase Contract)) to maturity as shown in the table of Accreted Value for such Bonds in the Official Statement or Purchase Contract, as the case may be.

(h) **“Code”** means the Internal Revenue Code of 1986, as amended. Reference to any particular section of the Code shall be deemed to be a reference to any successor to any such section.

(i) **“Continuing Disclosure Certificate”** means that certain Continuing Disclosure Certificate executed by the District pursuant to paragraph (b)(5) of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, dated as of the date of issuance of the Bonds, as amended from time to time in accordance with the provisions thereof.

(j) **“Conversion Date”** means, with respect to Convertible Capital Appreciation Bonds, the date from which such Bonds bear interest on a current, periodic basis.

(k) **“Conversion Value”** means, with respect to Convertible Capital Appreciation Bonds, the Accreted Value as of the Conversion Date.

(l) **“Convertible Capital Appreciation Bonds”** means the Bonds the interest component of which is compounded semiannually to the respective Conversion Dates thereof as shown in the table Accreted Values for the Bonds in the Official Statement or Purchase Contract, as the case may be, and which bear interest from such respective Conversion Dates on the Conversion Value thereof, payable semiannually on each Bond Payment Date.

(m) **“Current Interest Bonds”** means the Bonds the interest on which is payable semiannually on each Bond Payment Date specified for each such Bond as designated and maturing in the years and in the amounts set forth in the Purchase Contract.

(n) **“Dated Date”** means the date of initial issuance and delivery of the Bonds, or such other date as shall appear in the Purchase Contract or Official Statement.

(o) **“Denominational Amount”** means the initial Principal Amount of any Capital Appreciation Bond or Convertible Capital Appreciation Bond.

(p) **“Depository”** means the entity acting as securities depository for the Bonds pursuant to Section 6(c) hereof.

(q) **“DTC”** means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York, in its capacity as the initial Depository for the Bonds.

(r) **“Fair Market Value”** means the price at which a willing buyer would purchase the investment from a willing seller in a bona fide, arm's length transaction (determined as of the date the contract to purchase or sell the investment becomes binding) if the investment is traded on an established securities market (within the meaning of section 1273 of the Code) and, otherwise, the term “Fair Market Value” means the acquisition price in a bona fide arm's length transaction (as referenced above) if (i) the investment is a certificate of deposit that is acquired in accordance with applicable regulations under the Code, (ii) the investment is an agreement with specifically negotiated withdrawal or reinvestment provisions and a specifically negotiated interest rate (for example, a guaranteed investment contract, a forward supply contract or other investment agreement) that is acquired in accordance with applicable regulations under the Code, (iii) the investment is a United States Treasury Security—State and Local Government Series that is acquired in accordance with applicable regulations of the United States Bureau of Public Debt, or (iv) any commingled investment fund in which the District and related parties do not own more than a ten percent (10%) beneficial interest therein if the return paid by the fund is without regard to the source of the investment.

(s) **“Holder” or “Owner”** means the registered owner of a Bond as set forth on the registration books maintained by the Paying Agent pursuant to Section 6 hereof.

(t) **“Information Services”** means Financial Information, Inc.’s Financial Daily Called Bond Service; Mergent, Inc.’s Called Bond Department; or Standard & Poor’s J.J. Kenny Information Services’ Called Bond Service.

(u) **“Maturity Value”** means the Accreted Value of any Capital Appreciation Bond on its maturity date.

(v) **“Nominee”** means the nominee of the Depository, which may be the Depository, as determined from time to time pursuant to Section 6(c) hereof.

(w) **“Non-AMT Bonds”** means obligations the interest on which is excludable from gross income for federal income tax purposes under Section 103(a) of the Code and not treated as an item of tax preference under Section 57(a)(5)(C) of the Code, that are legal investments pursuant to Section 53601 of the Government Code of the State of California.

(x) **“Official Statement”** means the Official Statement for the Bonds, as described in Section 17 hereof.

(y) **“Outstanding”** means, when used with reference to the Bonds, as of any date, Bonds theretofore issued or thereupon being issued under this Resolution except:

(i) Bonds canceled at or prior to such date;

(ii) Bonds in lieu of or in substitution for which other Bonds shall have been delivered pursuant to Section 8 hereof; or

(iii) Bonds for the payment or redemption of which funds or Federal Securities in the necessary amount shall have been set aside (whether on or prior to the

maturity or redemption date of such Bonds), in accordance with Section 19 of this Resolution

(z) **“Participants”** means those broker-dealers, banks and other financial institutions from time to time for which the Depository holds book-entry certificates as securities depository.

(aa) **“Paying Agent”** means, initially, the Treasurer, and afterwards any successor thereto, acting as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds.

(bb) **“Permitted Investments”** means (i) any lawful investments permitted by Section 16429.1 and Section 53601 of the Government Code, including Non-AMT Bonds and Qualified Non-AMT Mutual Funds, (ii) shares in a California common law trust established pursuant to Title 1, Division 7, Chapter 5 of the Government Code which invests exclusively in investments permitted by Section 53635 of the Government Code, but without regard to any limitations in such Section concerning the percentage of moneys available for investment being invested in a particular type of security, (iii) a guaranteed investment contract with a provider rated in at least the second highest category by each Rating Agency then rating the Bonds and approved by the Bond Insurer, if any, (iv) the Local Agency Investments Fund of the California State Treasurer, (v) the county investment pool maintained by the Treasurer of the County, and (vi) State and Local Government Series Securities.

(cc) **“Principal”** or **“Principal Amount”** means, with respect to any Current Interest Bond, the Principal Amount thereof, with respect to any Capital Appreciation Bond or Convertible Capital Appreciation Bond, the Denominational Amount thereof.

(dd) **“Qualified Non-AMT Mutual Fund”** means stock in a regulated investment company to the extent that at least 95% of the income of such regulated investment company is interest that is excludable from gross income under Section 103 of the Code and not an item of tax preference under Section 57(a)(5)(C) of the Code.

(ee) **“Qualified Permitted Investments”** means (i) Non-AMT Bonds, (ii) Qualified Non-AMT Mutual Funds, (iii) other Permitted Investments authorized by an opinion of Bond Counsel to the effect that such investment would not adversely affect the tax-exempt status of the Bonds, and (iv) Permitted Investments of proceeds of the Bonds, and interest earned on such proceeds, held not more than thirty days pending reinvestment or Bond redemption. A guaranteed investment contract or similar investment agreement (e.g. a forward supply contract, GIC, repo, etc.) does not constitute a Qualified Permitted Investment.

(ff) **“Rating Agencies”** means (i) Standard & Poor’s Rating Service, a Standard & Poor’s Financial Services LLC business, (ii) Fitch Ratings and (iii) Moody’s Investors Service.

(gg) **“Record Date”** means the close of business on the 15th day of the month preceding each Bond Payment Date.

(hh) **“Securities Depository”** means The Depository Trust Company, 55 Water Street, New York, New York 10041, Tel: (212) 855-1000 or Fax: (212) 855-7320.

(ii) **“Taxable Bonds”** means any Bonds not issued as Tax-Exempt Bonds.

(jj) **“Tax-Exempt Bonds”** means any Bonds the interest in which is excludable from gross income for federal income tax purposes and is not treated as an item of tax preference for purposes of calculating the federal alternative minimum tax, as further described in an opinion of Bond Counsel supplied to the original purchasers of such Bonds.

(kk) **“Term Bonds”** means those Bonds for which mandatory redemption dates have been established in the Purchase Contract.

(ll) **“Transfer Amount”** means, (i) with respect to any Outstanding Current Interest Bond, the Principal Amount, (ii) with respect to any Outstanding Capital Appreciation Bond, the Maturity Value, and (iii) with respect to any Outstanding Convertible Capital Appreciation Bonds, the Conversion Value.

(mm) **“Treasurer”** means the Treasurer and Tax Collector of the County, or other comparable officer of the County.

SECTION 6 Terms of the Bonds.

(a) Denomination, Interest, Dated Dates. The Bonds shall be issued as fully registered bonds registered as to both Principal and interest, in the following denominations: (i) with respect to the Current Interest Bonds, \$5,000 Principal Amount or any integral multiple thereof, (ii) with respect to the Capital Appreciation Bonds, \$5,000 Maturity Value, or any integral multiple thereof, and (iii) with respect to Convertible Capital Appreciation Bonds, \$5,000 Conversion Value or any integral multiple thereof. The Bonds shall bear or accrete interest at a rate or rates such that the interest rate shall not exceed that authorized at the Election. The Bonds will initially be registered to “Cede & Co.”, the Nominee of the Depository Trust Company, New York, New York.

Each Current Interest Bond shall be dated as of the Dated Date, and shall bear interest from the Bond Payment Date next preceding the date of authentication thereof unless it is authenticated during the period from the 16th day of the month next preceding any Bond Payment Date to that Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before the first Record Date, in which event it shall bear interest from its Dated Date. Interest shall be payable on the respective Bond Payment Dates and shall be calculated on the basis of a 360-day year of 12, 30-day months.

The Capital Appreciation Bonds shall mature in the years, shall be issued in aggregate Principal Amounts, shall have Accretion Rates and shall have denominations per each \$5,000 in Maturity Value as shown in the Accreted Value Table attached to the Official Statement or Purchase Contract. The Convertible Capital Appreciation Bonds shall mature in the years, shall be issued in the aggregate Principal Amounts, shall have Accretion Rates and shall have denominations per each \$5,000 in Conversion Value as shown in such Accreted Value Table; provided, that in the event that the amount shown in such Accreted Value Table and the Accreted Value caused to be calculated by the District and approved by the Bond Insurer, if any, by application of the definition of Accreted Value set forth in Section 5 differ, the latter amount shall be the Accreted Value of such Capital Appreciation Bond or Convertible Capital Appreciation Bond, as applicable.

Each Capital Appreciation Bond shall be dated, and shall accrete interest from, its date of initial delivery. Capital Appreciation Bonds will not bear interest on a current basis.

Prior to their respective Conversion Dates, each Convertible Capital Appreciation Bond shall not bear current interest but will accrete in value through the Conversion Date thereof, from its Denominational Amount on the Date of Delivery thereof to its Conversion Value on the applicable Conversion Date. From and after its Conversion Date, each Convertible Capital Appreciation Bond will bear current, periodic interest, and such interest will accrue based upon the Conversion Value of such Bonds at the Conversion Date. No payment will be made to the Owners of Convertible Capital Appreciation Bonds on the respective Conversion Dates thereof.

(b) Redemption.

(i) Terms of Redemption. The Bonds shall be subject to optional or mandatory sinking fund redemption prior to maturity as provided in the Purchase Contract or the Official Statement.

(ii) Selection of Bonds for Redemption. Whenever provision is made in this Resolution for the optional redemption of Bonds and less than all Outstanding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District, shall select Bonds for redemption as so directed and if not directed, in inverse order of maturity. Within a maturity, the Paying Agent shall select Bonds for redemption as directed by the District and, if not so directed, by lot. Redemption by lot shall be in such manner as the Paying Agent shall determine; provided, however, that (A) the portion of any Current Interest Bond to be redeemed in part shall be in the Principal Amount of \$5,000 or any integral multiple thereof, (B) the portion of any Capital Appreciation Bond to be redeemed in part shall be in integral multiples of the Accreted Value per \$5,000 Maturity Value thereof, (C) and the portion of any Convertible Capital Appreciation Bond to be redeemed in part shall be in integral multiples of the Accreted Value per \$5,000 Conversion Value thereof.

The Purchase Contract may provide that (i) in the event that any portion of Bonds subject to mandatory sinking fund redemption are optionally redeemed prior to maturity, the remaining mandatory sinking fund payments with respect to such Bonds shall be reduced proportionately, in integral multiples of \$5,000 principal amount, in respect of the portion of such Bonds optionally redeemed, and (ii) within a maturity, Bonds shall be selected for redemption on a “Pro Rata Pass-Through Distribution of Principal” basis in accordance with DTC procedures, provided further that, such redemption is made in accordance with the operational arrangements of DTC then in effect.

(iii) Notice of Redemption. When redemption is authorized or required pursuant to Section 6(b) hereof, the Paying Agent, upon written instruction from the District, shall give notice (a “Redemption Notice”) of the redemption of the Bonds. Such Redemption Notice shall specify: the Bonds or designated portions thereof (in the case of redemption of the Bonds in part but not in whole) which are to be redeemed, the date of redemption, the place or places where the redemption will be made, including the name and address of the Paying Agent, the redemption price, the CUSIP numbers (if any) assigned to the Bonds to be redeemed, the Bond numbers of the Bonds to be redeemed in whole or in part and, in the case of any Bond to be redeemed in part only, the Principal Amount, Conversion Value or Accreted Value of such Bond to be redeemed, and the original issue date, interest rate or Accretion Rate and stated maturity date of each Bond to be redeemed in whole or in part. Such Redemption Notice shall further state that on the specified date there shall become due and payable

upon each Bond or portion thereof being redeemed at the redemption price thereof, together with the interest accrued or accreted to the redemption date, and that from and after such date, interest with respect thereto shall cease to accrue or accrete.

The Paying Agent shall take the following actions with respect to each such Redemption Notice:

(a) At least 20 but not more than 60 days prior to the redemption date, such Redemption Notice shall be given to the respective Owners of Bonds designated for redemption by registered or certified mail, postage prepaid, at their addresses appearing on the Bond Register.

(b) At least 20 but not more than 60 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, (ii) telephonically confirmed facsimile transmission, or (iii) overnight delivery service, to the Securities Depository.

(c) At least 20 but not more than 60 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, or (ii) overnight delivery service, to one of the Information Services.

A certificate of the Paying Agent or the District that a notice of redemption has been given as provided herein shall be conclusive as against all parties. Neither failure to receive any Redemption Notice nor any defect in any such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of the affected Bonds. Each check issued or other transfer of funds made by the Paying Agent for the purpose of redeeming Bonds shall bear or include the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

With respect to any notice of optional redemption of Bonds (or portions thereof) pursuant to Section 6(b)(i) hereof, unless upon the giving of such notice such Bonds or portions thereof shall be deemed to have been defeased pursuant to Section 19 hereof, such notice shall state that such redemption shall be conditional upon the receipt by an independent escrow agent selected by the District on or prior to the date fixed for such redemption of the moneys necessary and sufficient to pay the Principal, Conversion Value and Maturity Value of, and premium, if any, and interest on, such Bonds (or portions thereof) to be redeemed, and that if such moneys shall not have been so received said notice shall be of no force and effect, no portion of the Bonds shall not be subject to redemption on such date and such Bonds shall not be required to be redeemed on such date. In the event that such notice of redemption contains such a condition and such moneys are not so received, the redemption shall not be made and the Paying Agent shall within a reasonable time thereafter (but in no event later than the date originally set for redemption) give notice to the persons to whom and in the manner in which the notice of redemption was given that such moneys were not so received.

(iv) Partial Redemption of Bonds. Upon the surrender of any Bond redeemed in part only, the Paying Agent shall execute and deliver to the Owner thereof a new Bond or Bonds of like tenor and maturity and of authorized denominations equal in Transfer Amounts to the unredeemed portion of the Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the District shall be released and discharged thereupon from all liability to the extent of such payment.

(v) Effect of Notice of Redemption. Notice having been given as aforesaid, and the moneys for the redemption (including the interest to the applicable date of redemption) having been set aside as provided in Section 19 hereof, the Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Bonds to be redeemed as provided in Section 6(b) hereof, together with interest accrued to such redemption date, shall be held in trust so as to be available therefor on such redemption date, and if notice of redemption thereof shall have been given as aforesaid, then from and after such redemption date, interest with respect to the Bonds to be redeemed shall cease to accrue or accrete and become payable. All money held for the redemption of Bonds shall be held in trust for the account of the Owners of the Bonds so to be redeemed.

(vi) Bonds No Longer Outstanding. When any Bonds (or portions thereof), which have been duly called for redemption prior to maturity under the provisions of this Resolution, or with respect to which instructions to call for redemption prior to maturity at the earliest redemption date have been given to the Paying Agent, in form satisfactory to it, and sufficient moneys shall be held irrevocably in trust for the payment of the redemption price of such Bonds or portions thereof, and, in the case of Current Interest Bonds and Convertible Capital Appreciation Bonds after the Conversion Date, accrued interest with respect thereto to the date fixed for redemption, all as provided in this Resolution, then such Bonds shall no longer be deemed Outstanding and shall be surrendered to the Paying Agent for cancellation.

All Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Section 6 shall be cancelled upon surrender thereof and be delivered to or upon the order of the District. All or any portion of a Bond purchased by the District shall be cancelled by the Paying Agent.

(c) Book-Entry System.

(i) Election of Book-Entry System. The Bonds shall initially be delivered in the form of a separate single fully-registered bond (which may be typewritten) for each maturity date of such Bonds in an authorized denomination (except for any odd denomination Bond). The ownership of each such Bond shall be registered in the Bond Register (as defined below) in the name of the Nominee, as nominee of the Depository and ownership of the Bonds, or any portion thereof may not thereafter be transferred except as provided in Section 6(c)(i)(4).

With respect to book-entry Bonds, the District and the Paying Agent shall have no responsibility or obligation to any Participant or to any person on behalf of which such a Participant holds an interest in such book-entry Bonds. Without limiting the immediately preceding sentence, the District and the Paying Agent shall have no responsibility or obligation with respect to (i) the accuracy of the records of the Depository, the Nominee, or any Participant with respect to any ownership interest in book-entry Bonds, (ii) the delivery to any Participant or any other person, other than an Owner as shown in the Bond Register, of any notice with respect to book-entry Bonds, including any notice of redemption, (iii) the selection by the Depository and its Participants of the beneficial interests in book-entry Bonds to be prepaid in the event the District redeems the Bonds in part, or (iv) the payment by the Depository or any Participant or any other person, of any amount with respect to Accreted Value, Conversion Value, and Principal of, and premium, if any, or interest on the book-entry Bonds. The District and the Paying Agent may treat and consider the person in whose name each book-entry Bond is registered in the Bond Register as the absolute Owner of such book-entry Bond for the purpose

of payment of Accreted Value, Conversion Value, or Principal of and premium and interest on and to such Bond, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent shall pay all Accreted Value, Conversion Value, or Principal of and premium, if any, and interest on the Bonds only to or upon the order of the respective Owner, as shown in the Bond Register, or his respective attorney duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the District's obligations with respect to payment of Accreted Value, Conversion Value, or Principal of, and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Bond Register, shall receive a certificate evidencing the obligation to make payments of Accreted Value, Conversion Value, or Principal of, and premium, if any, and interest on the Bonds. Upon delivery by the Depository to the Owner and the Paying Agent, of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions herein with respect to the Record Date, the word Nominee in this Resolution shall refer to such nominee of the Depository.

1. Delivery of Letter of Representations. In order to qualify the book-entry Bonds for the Depository's book-entry system, the District and the Paying Agent shall execute and deliver to the Depository a Letter of Representations. The execution and delivery of a Letter of Representations shall not in any way impose upon the District or the Paying Agent any obligation whatsoever with respect to persons having interests in such book-entry Bonds other than the Owners, as shown on the Bond Register. By executing a Letter of Representations, the Paying Agent shall agree to take all action necessary at all times so that the District will be in compliance with all representations of the District in such Letter of Representations. In addition to the execution and delivery of a Letter of Representations, the District and the Paying Agent shall take such other actions, not inconsistent with this Resolution, as are reasonably necessary to qualify book-entry Bonds for the Depository's book-entry program.

2. Selection of Depository. In the event (i) the Depository determines not to continue to act as securities depository for book-entry Bonds, or (ii) the District determines that continuation of the book-entry system is not in the best interest of the Beneficial Owners of the Bonds or the District, then the District will discontinue the book-entry system with the Depository. If the District determines to replace the Depository with another qualified securities depository, the District shall prepare or direct the preparation of a new single, separate, fully registered bond for each maturity date of such Outstanding book-entry Bond, registered in the name of such successor or substitute qualified securities depository or its Nominee as provided in subsection (4) hereof. If the District fails to identify another qualified securities depository to replace the Depository, then the Bonds shall no longer be restricted to being registered in such Bond Register in the name of the Nominee, but shall be registered in whatever name or names the Owners transferring or exchanging such Bonds shall designate, in accordance with the provisions of this Section 6(c).

3. Payments and Notices to Depository. Notwithstanding any other provision of this Resolution to the contrary, so long as all Outstanding Bonds are held in book-entry form and registered in the name of the Nominee, all payments by the District or the Paying Agent with respect to Accreted Value, Conversion Value or Principal of and premium, if any, or interest on the Bonds and all notices with respect to such Bonds, including notices of redemption, shall be made and given, respectively to the Nominee, as provided in the Letter of

Representations or as otherwise required or instructed by the Depository and agreed to by the Paying Agent notwithstanding any inconsistent provisions herein.

4. Transfer of Bonds to Substitute Depository.

(A) The Bonds shall be initially issued as described in the Official Statement described herein. Registered ownership of such Bonds, or any portions thereof, may not thereafter be transferred except:

(1) to any successor of DTC or its nominee, or of any substitute depository designated pursuant to Section 6(c)(i)(4)(A)(2) ("Substitute Depository"); provided that any successor of DTC or Substitute Depository shall be qualified under any applicable laws to provide the service proposed to be provided by it;

(2) to any Substitute Depository, upon (1) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (2) a determination by the District that DTC (or its successor) is no longer able to carry out its functions as depository; provided that any such Substitute Depository shall be qualified under any applicable laws to provide the services proposed to be provided by it; or

(3) to any person as provided below, upon (1) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (2) a determination by the District that DTC or its successor (or Substitute Depository or its successor) is no longer able to carry out its functions as depository.

(B) In the case of any transfer pursuant to Section 6(c)(i)(4)(A)(1) or (2), upon receipt of all Outstanding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent designating the Substitute Depository, a single new Bond, which the District shall prepare or cause to be prepared, shall be executed and delivered for each maturity of Bonds then Outstanding, registered in the name of such successor or such Substitute Depository or their Nominees, as the case may be, all as specified in such written request of the District. In the case of any transfer pursuant to Section 6(c)(i)(4)(A)(3), upon receipt of all Outstanding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent, new Bonds, which the District shall prepare or cause to be prepared, shall be executed and delivered in such denominations and registered in the names of such persons as are requested in such written request of the District, provided that the Paying Agent shall not be required to deliver such new Bonds within a period of less than sixty (60) days from the date of receipt of such written request from the District.

(C) In the case of a partial redemption or an advance refunding of any Bonds evidencing a portion of the Maturity Value, Conversion Value or Principal maturing in a particular year, DTC or its successor (or any Substitute Depository or its successor) shall make an appropriate notation on such Bonds indicating the date and amounts of such reduction in Conversion Value, Maturity Value or Principal, in form acceptable to the Paying Agent, all in accordance with the Letter of Representations. The Paying Agent shall not be liable for such Depository's failure to make such notations or errors in making such notations.

(D) The District and the Paying Agent shall be entitled to treat the person in whose name any Bond is registered as the Owner thereof for all purposes of this Resolution and any applicable laws, notwithstanding any notice to the contrary received by the Paying Agent or the District; and the District and the Paying Agent shall not have responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any Beneficial Owners of the Bonds. Neither the District nor the Paying Agent shall have any responsibility or obligation, legal or otherwise, to any such Beneficial Owners or to any other party, including DTC or its successor (or Substitute Depository or its successor), except to the Owner of any Bonds, and the Paying Agent may rely conclusively on its records as to the identity of the Owners of the Bonds.

SECTION 7 Execution of the Bonds. The Bonds shall be signed by the President of the Board, or other member of the Board authorized to sign on behalf of the President by resolution thereof, by their manual or facsimile signature and countersigned by the manual or facsimile signature of the Secretary of the Board, all in their official capacities. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until the certificate of authentication printed on the Bond is signed by the Paying Agent as authenticating agent. Authentication by the Paying Agent shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under this Resolution and is entitled to the security and benefit of this Resolution.

SECTION 8 Paying Agent; Transfer and Exchange. So long as any of the Bonds remains Outstanding, the District will cause the Paying Agent to maintain and keep at its principal office all books and records necessary for the registration, exchange and transfer of the Bonds as provided in this Section. Subject to the provisions of Section 9 below, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute Owner of that Bond for all purposes of this Resolution. Payment of or on account of the Principal, Conversion Value, or Accreted Value of and premium, if any, and interest on any Bond shall be made only to or upon the order of such Owner; neither the District nor the Paying Agent shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the District's liability upon the Bonds, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of like series, tenor, maturity and Transfer Amount upon presentation and surrender at the principal office of the Paying Agent, together with a request for exchange signed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. A Bond may be transferred on the Bond Register only upon presentation and surrender of the Bond at the principal office of the Paying Agent together with an assignment executed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. Upon exchange or transfer, the Paying Agent shall complete, authenticate and deliver a new bond or bonds of like tenor and of any authorized denomination or denominations requested by the Owner equal to the Transfer Amount of the Bond surrendered and bearing or accruing interest at the same rate and maturing on the same date. Capital Appreciation Bonds, Convertible Capital Appreciation Bonds and Current Interest Bonds may not be exchanged for one another.

If any Bond shall become mutilated, the District, at the expense of the Owner of said Bond, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Bond of like series, tenor, maturity and Transfer Amount in exchange and substitution for the Bond so mutilated, but only upon surrender to the Paying Agent of the Bond so mutilated. If any Bond issued hereunder shall be

lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the Paying Agent and, if such evidence be satisfactory to the Paying Agent and indemnity for the Paying Agent and the District satisfactory to the Paying Agent shall be given by the Owner, the District, at the expense of the Owner, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Bond of like series, tenor, maturity and Transfer Amount in lieu of and in substitution for the Bond so lost, destroyed or stolen (or if any such Bond shall have matured or shall have been called for redemption, instead of issuing a substitute Bond the Paying Agent may pay the same without surrender thereof upon receipt of indemnity satisfactory to the Paying Agent and the District). The Paying Agent may require payment of a reasonable fee for each new Bond issued under this paragraph and of the expenses which may be incurred by the District and the Paying Agent.

If signatures on behalf of the District are required in connection with an exchange or transfer, the Paying Agent shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the District. In all cases of exchanged or transferred Bonds, the District shall sign and the Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. All fees and costs of transfer shall be paid by the requesting party. Those charges may be required to be paid before the procedure is begun for the exchange or transfer. All Bonds issued upon any exchange or transfer shall be valid obligations of the District, evidencing the same debt, and entitled to the same security and benefit under this Resolution as the Bonds surrendered upon that exchange or transfer.

Any Bond surrendered to the Paying Agent for payment, retirement, exchange, replacement or transfer shall be cancelled by the Paying Agent. The District may at any time deliver to the Paying Agent for cancellation any previously authenticated and delivered Bonds that the District may have acquired in any manner whatsoever, and those Bonds shall be promptly cancelled by the Paying Agent. Written reports of the surrender and cancellation of Bonds shall be made to the District by the Paying Agent as requested by the District. The cancelled Bonds shall be retained for three years, then returned to the District or destroyed by the Paying Agent as directed by the District.

Neither the District nor the Paying Agent will be required (a) to issue or transfer any Bonds during a period beginning with the opening of business on the 16th business day next preceding either any Bond Payment Date or any date of selection of Bonds to be redeemed and ending with the close of business on the Bond Payment Date or any day on which the applicable notice of redemption is given or (b) to transfer any Bonds which have been selected or called for redemption in whole or in part.

SECTION 9 Payment. Payment of interest on any Current Interest Bond or Convertible Capital Appreciation Bond after its respective Conversion Date, shall be made on any Bond Payment Date to the person appearing on the registration books of the Paying Agent as the Owner thereof as of the Record Date immediately preceding such Bond Payment Date, such interest to be paid by wire transfer or check mailed to such Owner on the Bond Payment Date at his address as it appears on such registration books or at such other address as he may have filed with the Paying Agent for that purpose on or before the Record Date. The Owner in an aggregate Principal Amount, Conversion Value or Maturity Value of One Million Dollars (\$1,000,000) or more may request in writing to the Paying Agent that such Owner be paid interest by wire transfer to the bank and account number on file with the Paying Agent as of the Record Date. The Principal, and redemption premiums, if any, payable on the Current Interest Bonds, the Accreted Value and redemption premiums, if any, on the Capital Appreciation Bonds, and the Accreted Value, Conversion Value and redemption premiums, if any, on Convertible Capital Appreciation Bonds shall be payable upon maturity or redemption upon surrender at the principal office of the Paying Agent. The Accreted Value, Conversion Value and Principal of,

and premiums, if any, and interest on, the Bonds shall be payable in lawful money of the United States of America. The Paying Agent is hereby authorized to pay the Bonds when duly presented for payment at maturity, and to cancel all Bonds upon payment thereof. The Bonds are general obligations of the District and do not constitute an obligation of the County except as provided in this Resolution. No part of any fund of the County is pledged or obligated to the payment of the Bonds.

SECTION 10 Forms of Bonds. The Bonds shall be in substantially the forms as set forth in Exhibit A hereto, allowing those officials executing the Bonds to make the insertions and deletions necessary to conform the Bonds to this Resolution and the Purchase Contract.

SECTION 11 Delivery of Bonds. The proper officials of the District shall cause the Bonds to be prepared and, following their sale, shall have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Underwriters upon payment of the purchase price therefor.

SECTION 12 Deposit of Proceeds of Bonds. (a) The purchase price received from the Underwriters pursuant to the Purchase Contract, to the extent of the Principal Amount thereof, shall be paid to the County to the credit of the fund hereby authorized to be created to be known as the "Santa Monica-Malibu Unified School District Election of 2006 General Obligation Bonds, Series D Building Fund" (the "Building Fund") of the District, shall be kept separate and distinct from all other District and County funds, and those proceeds shall be used solely for the purpose for which the Bonds are being issued and provided further that such proceeds shall be applied solely to the purposes authorized by the voters of the District at the Election. The County shall have no responsibility for assuring the proper use of the Bond proceeds by the District. The Building Fund may contain subaccounts if the Bonds are issued in more than one series. The purchase price received from the Underwriters pursuant to the Purchase Contract, to the extent of any accrued interest and any net original issue premium, shall be kept separate and apart in the fund hereby authorized to be created and designated as the "Santa Monica-Malibu Unified School District Election of 2006 General Obligation Bonds, Series D Debt Service Fund" (the "Debt Service Fund") for the Bonds and used for payment of Accreted Value, Conversion Value, or Principal of and interest on the Bonds, and for no other purpose. Interest earnings on monies held in the Building Fund shall be retained in the Building Fund. Interest earnings on monies held in the Debt Service Fund shall be retained in the Debt Service Fund. Any excess proceeds of the Bonds not needed for the authorized purposes set forth herein for which the Bonds are being issued upon written notice from the District shall be transferred to the Debt Service Fund and applied to the payment of Accreted Value, Conversion Value or Principal of and interest on the Bonds. If, after payment in full of the Bonds, there remain excess proceeds, any such excess amounts shall be transferred to the general fund of the District.

The costs of issuance of the Bonds are hereby authorized to be paid either from premium withheld by the Underwriters upon the sale of the Bonds, or from the Principal Amount of the Bonds received from the Underwriters. To the extent costs of issuance are paid from such Principal Amount, the District, may direct that a portion thereof, in an amount not-to-exceed 2.0% of such Principal Amount, in lieu of being deposited into the Building Fund, be deposited in a costs of issuance account to be held by a fiscal agent of the District appointed for such purpose.

(b) Moneys in the Debt Service Fund and the Building Fund shall be invested at the written direction of the District, and after consultation with the County, in Permitted Investments. If at the time of issuance the District determines to issue the Bonds as Tax-Exempt Bonds without regard to the Internal Revenue Code "temporary period" restrictions, all investment of Bond proceeds shall be

subject to paragraph (1) below; and the District, in consultation with the County, may provide for an agent to assist the County in investing funds pursuant to paragraph (1) below. If the District fails to direct the County or its agent, as the case may be, the County or its agent shall invest or cause the funds in the Building Fund to be invested in Qualified Permitted Investments, subject to the provisions of paragraph (1) below, until such time as the District provides written direction to invest such funds otherwise. Neither the County nor its officers and agents, as the case may be, shall have any responsibility or obligation to determine the tax consequences of any investment. The interest earned on the moneys deposited to the Building Fund shall be applied as set forth in subparagraph (1)(C) below:

(1) Covenant Regarding Investment of Proceeds.

(A) Permitted Investments. Beginning on the delivery date, and at all times until expenditure for authorized purposes, not less than 95% of the proceeds of the Bonds deposited in the Building Fund, including investment earnings thereon, will be invested in Qualified Permitted Investments which are rated in at least the second highest rating category by one of the three Rating Agencies. Notwithstanding the preceding provisions of this Section, for purposes of this paragraph, amounts derived from the disposition or redemption of Qualified Permitted Investments and held pending reinvestment or redemption for a period of not more than 30 days may be invested in Permitted Investments. The District hereby authorizes investments made pursuant to this Resolution with maturities exceeding five years.

(B) Recordkeeping and Monitoring Relating to Building Fund.

i. Information Regarding Permitted Investments. The District hereby covenants that it will record or cause to be recorded with respect to each Permitted Investment in the Building Fund the following information: purchase date; purchase price; information establishing the Fair Market Value of such Permitted Investment; face amount; coupon rate; periodicity of interest payments; disposition price; disposition date; and any accrued interest received upon disposition.

ii. Information in Qualified Non-AMT Mutual Funds. The District hereby covenants that, with respect to each investment of proceeds of the Bonds in a Qualified Non-AMT Mutual Fund pursuant to paragraph (1)(A) above, in addition to recording, or causing to be recorded, the information set forth in paragraph (1)(B)(i) above, it will retain a copy of each IRS information reporting form and account statement provided by such Qualified Non-AMT Mutual Fund.

iii. Monthly Investment Fund Statements. The District covenants that it will obtain, at the beginning of each month following the delivery date, a statement of the investments in the Building Fund detailing the nature, amount and value of each investment as of such statement date.

iv. Retention of Records. The District hereby covenants that it will retain the records referred to in paragraph (1)(B)(i) and each IRS information reporting form referred to in paragraph (1)(B)(ii) with its books and records with respect to the Bonds until three years following the last date that any obligation comprising the Bonds is retired.

(C) Interest Earned on Permitted Investments. The interest earned on the moneys deposited in the Building Fund shall be deposited in the Building Fund and used for the purposes of that fund.

Except as required to satisfy the requirements of Section 148(f) of the Code, interest earned on the investment of moneys held in the Debt Service Fund shall be retained in the Debt Service Fund and used by the County to pay the Accreted Value, Conversion Value or Principal of and interest on the Bonds when due.

SECTION 13 Rebate Fund. The following provisions shall apply to any Bonds issued as Tax-Exempt Bonds.

(a) The District shall create and establish a special fund designated the Santa Monica-Malibu Unified School District Election of 2006 General Obligation Bonds, Series D Rebate Fund” (the “Rebate Fund”). All amounts at any time on deposit in the Rebate Fund shall be held in trust, to the extent required to satisfy the requirement to make rebate payments to the United States (the “Rebate Requirement”) pursuant to Section 148 of the Code, and the Treasury Regulations promulgated thereunder (the “Treasury Regulations”). Such amounts shall be free and clear of any lien hereunder and shall be governed by this Section and by the Tax Certificate to be executed by the District in connection with the Tax-Exempt Bonds (the “Tax Certificate”).

(b) Within 45 days of the end of each fifth Bond Year (as such term is defined in the Tax Certificate), (1) the District shall calculate or cause to be calculated with respect to the Bonds the amount that would be considered the “rebate amount” within the meaning of Section 1.148-3 of the Treasury Regulations, using as the “computation date” for this purpose the end of such Bond Year, and (2) the District shall deposit to the Rebate Fund from amounts on deposit in the other funds established hereunder or from other District funds, if and to the extent required, amounts sufficient to cause the balance in the Rebate Fund to be equal to the “rebate amount” so calculated. The District shall not be required to deposit any amount to the Rebate Fund in accordance with the preceding sentence, if the amount on deposit in the Rebate Fund prior to the deposit required to be made under this subsection (b) equals or exceeds the “rebate amount” calculated in accordance with the preceding sentence. Such excess may be withdrawn from the Rebate Fund to the extent permitted under subsection (g) of this Section. The District shall not be required to calculate the “rebate amount” and shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b), with respect to all or a portion of the proceeds of the Bonds (including amounts treated as proceeds of the Bonds) (1) to the extent such proceeds satisfy the expenditure requirements of Section 148(f)(4)(B) or Section 148(f)(4)(C) of the Code or Section 1.148-7(d) of the Treasury Regulations, whichever is applicable, and otherwise qualify for the exception to the Rebate Requirement pursuant to whichever of said sections is applicable, (2) to the extent such proceeds are subject to an election by the District under Section 148(f)(4)(C)(vii) of the Code to pay a one and one-half percent (1½%) penalty in lieu of arbitrage rebate in the event any of the percentage expenditure requirements of Section 148(f)(4)(C) are not satisfied, or (3) to the extent such proceeds qualify for the exception to arbitrage rebate under Section 148(f)(4)(A)(ii) of the Code for amounts in a “bona fide debt service fund.” In such event, and with respect to such amounts, the District shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b).

(c) Any funds remaining in the Rebate Fund after redemption of all the Bonds and any amounts described in paragraph (2) of subsection (d) of this Section, or provision made therefor satisfactory to the District, including accrued interest, shall be remitted to the District.

(d) Subject to the exceptions contained in subsection (b) of this Section to the requirement to calculate the “rebate amount” and make deposits to the Rebate Fund, the District shall pay to the United States, from amounts on deposit in the Rebate Fund,

(1) not later than 60 days after the end of (i) the fifth Bond Year, and (ii) each fifth Bond Year thereafter, an amount that, together with all previous rebate payments, is equal to at least 90% of the “rebate amount” calculated as of the end of such Bond Year in accordance with Section 1.148-3 of the Treasury Regulations; and

(2) not later than 60 days after the payment of all Bonds, an amount equal to 100% of the “rebate amount” calculated as of the date of such payment (and any income attributable to the “rebate amount” determined to be due and payable) in accordance with Section 1.148-3 of the Treasury Regulations.

(e) In the event that, prior to the time any payment is required to be made from the Rebate Fund, the amount in the Rebate Fund is not sufficient to make such payment when such payment is due, the District shall calculate (or have calculated) the amount of such deficiency and deposit an amount equal to such deficiency into the Rebate Fund prior to the time such payment is due.

(f) Each payment required to be made pursuant to subsection (d) of this Section shall be made to the Internal Revenue Service, on or before the date on which such payment is due, and shall be accompanied by Internal Revenue Service Form 8038-T, such form to be prepared or caused to be prepared by the District.

(g) In the event that immediately following the calculation required by subsection (b) of this Section, but prior to any deposit made under said subsection, the amount on deposit in the Rebate Fund exceeds the “rebate amount” calculated in accordance with said subsection, the District may withdraw the excess from the Rebate Fund and credit such excess to the Debt Service Fund.

(h) The District shall retain records of all determinations made hereunder until three years after the complete retirement of the Bonds.

(i) Notwithstanding anything in this Resolution to the contrary, the Rebate Requirement shall survive the payment in full or defeasance of the Bonds.

SECTION 14 Security for the Bonds. There shall be levied on all the taxable property in the District, in addition to all other taxes, a continuing direct *ad valorem* tax annually during the period the Bonds are Outstanding in an amount sufficient to pay the Principal, Conversion Value and Accreted Value of and interest on the Bonds when due, which moneys when collected will be placed in the Debt Service Fund of the District, which fund is hereby designated for the payment of the Principal, Conversion Value and Accreted Value of and interest on the Bonds when and as the same fall due, and for no other purpose.

The moneys in the Debt Service Fund, to the extent necessary to pay the Principal, Conversion Value and Accreted Value of and interest on the Bonds as the same become due and payable, shall be transferred by the Treasurer to the Paying Agent which, in turn, shall pay such moneys to DTC to pay such Principal, Conversion Value Accreted Value and interest. DTC will thereupon make payments of Principal, Conversion Value and Accreted Value of and interest on the Bonds to the DTC Participants who will thereupon make payments of such Principal, Conversion Value, Accreted Value and interest

to the Beneficial Owners of the Bonds. Any moneys remaining in the Debt Service Fund after the Bonds and the interest thereon have been paid in full, or provision for such payment has been made, shall be transferred to the general fund of the District, pursuant to the Education Code Section 15234.

SECTION 15 Arbitrage Covenant. The District covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code and the applicable regulations prescribed thereunder or any predecessor section. Calculations for determining arbitrage requirements are the sole responsibility of the District.

SECTION 16 Conditions Precedent. The Board determines that all acts and conditions necessary to be performed by the Board or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the District have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 17 Official Statement. The Preliminary Official Statement relating to the Bonds, substantially in the form on file with the Board is hereby approved and the Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deliver such Preliminary Official Statement to the Underwriters to be used in connection with the offering and sale of the Bonds. The Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deem the Preliminary Official Statement “final” pursuant to 15c2-12 of the Securities Exchange Act of 1934, prior to its distribution and to execute and deliver to the Underwriters a final Official Statement, substantially in the form of the Preliminary Official Statement, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same shall approve. The Underwriters are hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Bonds and is directed to deliver copies of any final Official Statement to the purchasers of the Bonds. Execution of the Official Statement shall conclusively evidence the District’s approval of the Official Statement.

SECTION 18 Insurance. In the event the District purchases bond insurance for the Bonds, and to the extent that the Bond Insurer makes payment of the Principal, Conversion Value or Accreted Interest or of interest on the Bonds, it shall become the Owner of such Bonds with the right to payment of such Principal, Conversion Value, Accreted Interest or interest, and shall be fully subrogated to all of the Owners’ rights, including the Owners’ rights to payment thereof. To evidence such subrogation (i) in the case of subrogation as to claims that were past due interest components, the Paying Agent shall note the Bond Insurer’s rights as subrogee on the registration books for the Bonds maintained by the Paying Agent upon receipt of a copy of the cancelled check issued by the Bond Insurer for the payment of such interest to the Owners of the Bonds, and (ii) in the case of subrogation as to claims for past due Principal, Conversion Value or Accreted Value, the Paying Agent shall note the Bond Insurer as subrogee on the registration books for the Bonds maintained by the Paying Agent upon surrender of the Bonds by the Owners thereof to the Bond Insurer or the insurance trustee for the Bond Insurer.

SECTION 19 Defeasance. All or any portion of the Outstanding maturities of the Bonds may be defeased prior to maturity in the following ways:

(a) Cash: by irrevocably depositing with an independent escrow agent selected by the District an amount of cash which together with amounts transferred from the Debt Service Fund is sufficient to pay all Bonds Outstanding and designated for defeasance (including all Principal thereof, accreted or accrued interest thereon and redemption premiums, if any) at or before their maturity date; or

(b) Government Obligations: by irrevocably depositing with an independent escrow agent selected by the District noncallable Government Obligations together with cash, if required, in such amount as will, in the opinion of an independent certified public accountant, together with interest to accrue thereon and moneys transferred from the Debt Service Fund, be fully sufficient to pay and discharge all Bonds Outstanding and designated for defeasance (including all Principal thereof, accreted or accrued interest thereon and redemption premiums, if any) at or before their maturity date;

then, notwithstanding that any of such Bonds shall not have been surrendered for payment, all obligations of the District with respect to all such designated Outstanding Bonds shall cease and terminate, except only the obligation of the independent escrow agent selected by the District to pay or cause to be paid from funds deposited pursuant to paragraphs (a) or (b) of this Section, to the Owners of such designated Bonds not so surrendered and paid all sums due with respect thereto.

For purposes of this Section, Government Obligations shall mean:

Direct and general obligations of the United States of America, or obligations that are unconditionally guaranteed as to principal and interest by the United States of America (which may consist of obligations of the Resolution Funding Corporation that constitute interest strips), or “prerefunded” municipal obligations rated in the highest rating category by Moody’s Investors Service (“Moody’s”) or Standard & Poor’s Ratings Services, a Standard & Poor’s Financial Services LLC business (“S&P”). In the case of direct and general obligations of the United States of America, Government Obligations shall include evidences of direct ownership of proportionate interests in future interest or principal payments of such obligations. Investments in such proportionate interests must be limited to circumstances where (i) a bank or trust company acts as custodian and holds the underlying United States obligations; (ii) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying United States obligations; and (iii) the underlying United States obligations are held in a special account, segregated from the custodian’s general assets, and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated; provided that such obligations are rated or assessed “AAA” by S&P or “Aaa” by Moody’s.

SECTION 20 Nonliability of County. Notwithstanding anything to the contrary contained herein, in the Bonds or in any other document mentioned herein, neither the County, nor its officials, officers, employees or agents shall have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby, the Bonds are not a debt of the County or a pledge of the County’s full faith and credit, and the Bonds and any liability in connection therewith shall be paid solely from *ad valorem* taxes lawfully levied to pay the Principal, Conversion Value and Maturity Value of or interest on the Bonds.

SECTION 21 Indemnification of County. The District shall defend, indemnify and hold harmless the County, its officials, officers, agents and employees (“Indemnified Parties”) against any

and all losses, claims, damages or liabilities, joint or several, to which such Indemnified Parties may become subject based in whole or in part upon any acts or omission related to the Bonds, except with regard to the County's responsibilities under Section 23 hereof. The District shall also reimburse the Indemnified Parties for any legal or other costs and expenses incurred in connection with investigating or defending any such claims or liabilities, except with regard to the County's responsibilities under Section 23 hereof.

SECTION 22 Reimbursement of County Costs. The District shall reimburse the County for all costs and expenses incurred by the County, its officials, officers, agents and employees in issuing or otherwise in connection with the issuance of the Bonds.

SECTION 23 Request to County to Levy Tax. The Board of Supervisors and officers of the County are obligated by statute to provide for the levy and collection of *ad valorem* property taxes in each year sufficient to pay all Principal, Maturity Value, Conversion Value of and interest coming due on the Bonds in such year, and to pay from such taxes all amounts due on the Bonds. The District hereby requests the Board of Supervisors to annually levy a tax upon all taxable property in the District sufficient to pay all such Principal, Maturity Value, Conversion Value and interest coming due on the Bonds in such year, and to pay from such taxes all amounts due on the Bonds.

SECTION 24 Other Actions. (a) Officers of the Board and District officials and staff are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the Bonds and otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

(b) The Board hereby appoints RBC Capital Markets, LLC and Stifel Nicolaus & Company dba Stone & Youngberg, a Division of Stifel Nicolaus, as the Underwriters, Keygent LLC, as Financial Advisor and Stradling Yocca Carlson & Rauth, a Professional Corporation, as Bond Counsel and Disclosure Counsel, all with respect to the issuance of the Bonds.

(c) Notwithstanding any other provisions contained herein, the provisions of this Resolution as they relate to the Bonds may be amended by the Purchase Contract and the Official Statement.

SECTION 25 Resolution to County Treasurer and Tax Collector. The Secretary to this Board is hereby directed to provide a certified copy of this Resolution to the Treasurer immediately following its adoption.

SECTION 26 Continuing Disclosure. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of that certain Continuing Disclosure Certificate executed by the District and dated as of the Dated Date, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Any Bond Holder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the District to comply with its obligations under this Section. Noncompliance with this Section shall not result in acceleration of the Bonds.

SECTION 27 Effective Date. This Resolution shall take effect immediately upon its passage.

SECTION 28 Further Actions Authorized. It is hereby covenanted that the District, and its appropriate officials, have duly taken all actions necessary to be taken by them, and will take any additional actions necessary to be taken by them, for carrying out the provisions of this Resolution.

[REMAINDER OF PAGE LEFT BLANK]

SECTION 29 Recitals. All the recitals in this Resolution above are true and correct and this Board so finds, determines and represents.

PASSED, ADOPTED AND APPROVED this 15th day of November, by the following vote:

AYES: MEMBERS _____

NOES: MEMBERS _____

ABSTAIN: MEMBERS _____

ABSENT: MEMBERS _____

President of the Board of Education

ATTEST:

Secretary to the Board of Education

SECRETARY'S CERTIFICATE

I, _____, Secretary to the Board of Education of the Santa Monica-Malibu Unified School District, Los Angeles County, California, hereby certify as follows:

The foregoing is a full, true and correct copy of a Resolution duly adopted at a regular meeting of the Board of Education of said District duly and regularly and legally held at the regular meeting place thereof on November 15, 2012, of which meeting all of the members of the Board of said District had due notice and at which a quorum was present.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original Resolution adopted at said meeting and entered in said minutes.

Said Resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: _____, 20__

Secretary to the Board of Education of the Santa
Monica-Malibu Unified School District

EXHIBIT A
FORMS OF BONDS

(Form of Current Interest Bond)

REGISTERED
NO.

REGISTERED
\$

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
(LOS ANGELES COUNTY, CALIFORNIA)
ELECTION OF 2006 GENERAL OBLIGATION BONDS, SERIES D

<u>INTEREST RATE:</u>	<u>MATURITY DATE:</u>	<u>DATED AS OF:</u>	<u>CUSIP</u>
____% per annum	August 1, ____	_____, 2013	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The Santa Monica-Malibu Unified School District (the "District") in Los Angeles County, California (the "County"), for value received, promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount on the Maturity Date, each as stated above, and interest thereon until the Principal Amount is paid or provided for at the Interest Rate stated above, on February 1 and August 1 of each year (the "Bond Payment Dates"), commencing February 1, 2013. This bond will bear interest from the Bond Payment Date next preceding the date of authentication hereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to the Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before January 15, 2013, in which event it shall bear interest from the Date of Delivery. Interest shall be computed on the basis of a 360-day year of 12, 30-day months. Principal and interest are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered, such owner being the Registered Owner, on the Register maintained by the Paying Agent, initially U.S. Bank National Association, as the agent of the Treasurer and Tax Collector of Los Angeles County. Principal is payable upon presentation and surrender of this bond at the principal office of the Paying Agent. Interest is payable by check or draft mailed by the Paying Agent on each Bond Payment Date to the Registered Owner of this bond (or one or more predecessor bonds) as shown and at the address appearing on the Register at the close of business on the 15th day of the calendar month next preceding that Bond Payment Date (the "Record Date"). The Owner of Current Interest Bonds in the aggregate principal amount of \$1,000,000 or more may request in writing to the Paying Agent that the Owner be paid interest by wire transfer to the bank and account number on file with the Paying Agent as of the Record Date.

This bond is one of an authorization of bonds approved to raise money for the purposes authorized by voters of the District at the Election (defined herein) and to pay all necessary legal,

financial, engineering and contingent costs in connection therewith under authority of and pursuant to the laws of the State of California, and the requisite vote of the electors of the District cast at a general election held on November 7, 2006 (the "Election"), upon the question of issuing bonds in the amount of \$268,000,000 and the resolution of the Board of Education of the District adopted on November 15, 2012 (the "Bond Resolution"). This bond is being issued under the provisions of Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code. This bond and the issue of which this bond is one are payable as to both principal and interest solely from the proceeds of the levy of *ad valorem* taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount in accordance with California Education Code Sections 15250 and 15252.

[The bonds of this issue comprise (i) \$_____ principal amount of Current Interest Bonds, of which this bond is a part, (ii) Capital Appreciation Bonds of which \$_____ represents the Denominational Amount and \$_____ represents the Maturity Value, and (iii) Convertible Capital Appreciation Bonds, of which \$_____ represents the Denominational Amount and \$_____ represents the Conversion Value.]

This bond is exchangeable and transferable for bonds of like tenor, maturity and Transfer Amount (as defined in the Bond Resolution) and in authorized denominations at the designated office of the Paying Agent in Los Angeles, California, by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Paying Agent, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Paying Agent may deem and treat the Registered Owner as the absolute owner of this bond for the purpose of receiving payment of or on account of principal or interest and for all other purposes, and neither the District nor the Paying Agent shall be affected by any notice to the contrary.

Neither the District nor the Paying Agent will be required (a) to issue or transfer any bond during a period beginning with the opening of business on the 16th business day next preceding either any Bond Payment Date or any date of selection of bonds to be redeemed and ending with the close of business on the Bond Payment Date or day on which the applicable notice of redemption is given or (b) to transfer any bond which has been selected or called for redemption in whole or in part.

The Current Interest Bonds maturing on or before August 1, 20__ are not subject to redemption prior to their fixed maturity dates. The Current Interest Bonds maturing on or after August 1, 20__ are subject to redemption at the option of the District, as a whole or in part, on any date on or after August 1, 20__ at a redemption price equal to the principal amount of the Current Interest Bonds to be redeemed, plus interest thereon to the date fixed for redemption, without premium.

The Current Interest Bonds maturing on August 1, 20__, are subject to redemption prior to maturity from mandatory sinking fund payments on August 1 of each year, on and after August 1, 20__, at a redemption price equal to the principal amount thereof, together with accrued interest to the date fixed for redemption, without premium. The principal amount represented by such Bonds to be so redeemed and the dates therefor and the final principal payment date is as indicated in the following table:

Redemption Dates

Principal Amounts

TOTAL

If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portions of bonds of such maturity to be redeemed shall be selected by lot by Paying as directed by the District in such manner as the District in its discretion may determine, and if not so directed, by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof. If less than all of the bonds stated to mature on different dates shall be called for redemption, the particular bonds or portions thereof to be redeemed shall be called by the Paying Agent in any order directed by the District and, if not so directed, in the inverse order of maturity.

Reference is made to the Bond Resolution for a more complete description of certain defined terms used herein, as well as the provisions, among others, with respect to the nature and extent of the security for the bonds of this series, the rights, duties and obligations of the District, the Paying Agent and the Registered Owners, and the terms and conditions upon which the bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the bonds in order to make them legal, valid and binding general obligations of the District, have been performed and have been met in regular and due form as required by law; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the bonds; and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.

IN WITNESS WHEREOF, the Santa Monica-Malibu Unified School District, Los Angeles County, California, has caused this bond to be executed on behalf of the District and in their official capacities by the manual or facsimile signature of the President of the Board of Education of the District, and to be countersigned by the manual or facsimile signature of the Secretary of the Board of Education of the District, all as of the date stated above.

SANTA MONICA-MALIBU UNIFIED SCHOOL
DISTRICT

By: _____ (Facsimile Signature)
President of the Board of Education

COUNTERSIGNED:

(Facsimile Signature)
Secretary of the Board of Education

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on _____, 2012.

By: U.S. BANK NATIONAL ASSOCIATION, as agent
of the Treasurer and Tax Collector of Los Angeles
County, as Paying Agent

Authorized Officer

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and zip code of Transferee): _____ this bond and irrevocably constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the within bond in every particular, without alteration or any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: _____

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

(Facsimile Signature)
Secretary of the Board of Education

(Form of Legal Opinion)

(Form of Capital Appreciation Bond)

REGISTERED
NO.

REGISTERED
\$

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
(LOS ANGELES COUNTY, CALIFORNIA)
ELECTION OF 2006 GENERAL OBLIGATION BONDS, SERIES D

ACCRETION RATE: MATURITY DATE: DATED AS OF: CUSIP
August 1, ____ _____, 2013

REGISTERED OWNER: CEDE & CO.

DENOMINATIONAL AMOUNT:

MATURITY VALUE:

The Santa Monica-Malibu Unified School District (the "District") in Los Angeles County, California (the "County"), for value received, promises to pay to the Registered Owner named above, or registered assigns, the Maturity Value on the Maturity Date, each as stated above, such Maturity Value comprising the Denominational Amount and interest accreted thereon. This bond will not bear current interest but will accrete interest, compounded on each February 1 and August 1, commencing February 1, 2013, at the Accretion Rate specified above to the Maturity Date, assuming that in any such semiannual period the sum of such compounded accreted interest and the Denominational Amount (such sum being herein called the "Accreted Value") increases in equal daily amounts on the basis of a 360-day year consisting of 12, 30-day months. Accreted Value and redemption premium, if any, are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered, such owner being the Registered Owner, on the Register maintained by the Paying Agent, initially U.S. Bank National Association, as the agent of the Treasurer and Tax Collector of Los Angeles County. Accreted Value and redemption premium, if any, are payable upon presentation and surrender of this bond at the principal office of the Paying Agent.

This bond is one of an authorization of bonds approved to raise money for the purposes authorized by voters of the District at the Election (defined herein) and to pay all necessary legal, financial, engineering and contingent costs in connection therewith under authority of and pursuant to the laws of the State of California, and the requisite vote of the electors of the District cast at a general election held on November 7, 2006 (the "Election"), upon the question of issuing bonds in the amount of \$268,000,000 and the resolution of the Board of Education of the District adopted on November 15, 2012 (the "Bond Resolution"). This bond is being issued under the provisions of Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code. This bond and the issue of which this bond is one are payable as to both principal and interest solely from the proceeds of the levy of ad valorem taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount in accordance with California Education Code Sections 15250 and 15252.

[The bonds of this issue comprise (i) \$_____ principal amount of Current Interest Bonds, (ii) Capital Appreciation Bonds, of which this bond is a part, and of which \$_____ represents the Denominational Amount and \$_____ represents the Maturity Value, and (iii) Convertible Capital Appreciation Bonds, and of which \$_____ represents the Denominational Amount and \$_____ represents the Conversion Value.]

This bond is exchangeable and transferable for bonds of like tenor, maturity and Transfer Amount (as defined in the Bond Resolution) and in authorized denominations at the principal office of the Paying Agent, located in Los Angeles, California, by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Paying Agent, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Paying Agent may deem and treat the Registered Owner as the absolute owner of this bond for the purpose of receiving payment of or on account of principal or interest and for all other purposes, and neither the District nor the Paying Agent shall be affected by any notice to the contrary.

Neither the District nor the Paying Agent will be required (a) to issue or transfer any bond during a period beginning with the opening of business on the 16th business day next preceding either any Bond Payment Date or any date of selection of bonds to be redeemed and ending with the close of business on the Bond Payment Date or day on which the applicable notice of redemption is given or (b) to transfer any bond which has been selected or called for redemption in whole or in part.

[The Capital Appreciation Bonds maturing on or before August 1, 20__ are not subject to redemption prior to their fixed maturity dates. The Capital Appreciation Bonds maturing on or after August 1, 20__ are subject to redemption at the option of the District, as a whole or in part, on any date on or after August 1, 20__ at a redemption price equal to the Accreted Value of such Capital Appreciation Bonds to be redeemed as of the date set for such redemption, without premium.]

[The Capital Appreciation Bonds maturing on August 1, 20__, are subject to redemption prior to maturity from mandatory sinking fund payments on August 1 of each year, on and after August 1, 20__, at a redemption price equal to the Accreted Value of such Capital Appreciation Bonds as of the dates set for such redemption, without premium. The Accreted Value represented by such Bonds to be so redeemed and the dates therefor and the final payment date is as indicated in the following table:]

Redemption Dates

Accreted Value

TOTAL

If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portions of bonds of such maturity to be redeemed shall be selected by lot by Paying as directed by the District in such manner as the District in its discretion may determine, and if not so directed, by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 Maturity Value or some multiple thereof. If less than all of the bonds stated to mature on different dates shall be called for redemption, the particular bonds or portions thereof to be redeemed shall be called by the Paying Agent in any order directed by the District and, if not so directed, in the inverse order of maturity.

Reference is made to the Bond Resolution for a more complete description of certain defined terms used herein, as well as the provisions, among others, with respect to the nature and extent of the security for the bonds of this series, the rights, duties and obligations of the District, the Paying Agent and the Registered Owners, and the terms and conditions upon which the bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the bonds in order to make them legal, valid and binding general obligations of the District, have been performed and have been met in regular and due form as required by law; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the bonds; and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.

IN WITNESS WHEREOF, the Santa Monica-Malibu Unified School District, Los Angeles County, California, has caused this bond to be executed on behalf of the District and in their official capacities by the manual or facsimile signature of the President of the Board of Education of the District, and to be countersigned by the manual or facsimile signature of the Secretary of the Board of Education of the District, all as of the date stated above.

SANTA MONICA-MALIBU UNIFIED SCHOOL
DISTRICT

By: _____ (Facsimile Signature)
President of the Board of Education

COUNTERSIGNED:

(Facsimile Signature)
Secretary of the Board of Education

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on _____, 2012.

By: U.S. BANK NATIONAL ASSOCIATION, as agent
of the Treasurer and Tax Collector of Los Angeles
County, as Paying Agent

Authorized Officer

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and zip code of Transferee): _____ this bond and irrevocably constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the within bond in every particular, without alteration or any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: _____

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

(Facsimile Signature)
Secretary of the Board of Education

(Form of Legal Opinion)

(Form of Convertible Capital Appreciation Bond)

REGISTERED
NO.

REGISTERED
\$

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
(LOS ANGELES COUNTY, CALIFORNIA)
ELECTION OF 2006 GENERAL OBLIGATION BONDS, SERIES D

ACCRETION RATE TO <u>CONVERSION DATE</u>	<u>CONVERSION</u> <u>DATE</u>	INTEREST RATE AFTER THE <u>CONVERSION DATE</u>	MATURITY <u>DATE</u> :	<u>DATED AS OF:</u>	<u>CUSIP</u>
_____	_____, 20__	_____	_____, 20__	_____, 2013	_____

REGISTERED OWNER: CEDE & CO.

DENOMINATIONAL AMOUNT:

CONVERSION VALUE :

The Santa Monica-Malibu Unified School District (the "District") in Los Angeles County, California (the "County"), for value received, promises to pay to the Registered Owner named above, or registered assigns, the Conversion Value on the Maturity Date, each as stated above, such Conversion Value comprising the Denominational Amount and interest accreted thereon to the Conversion Date. Prior to the Conversion Date, this bond will not bear current interest but will accrete interest, compounded on each February 1 and August 1, commencing February 1, 2013, at the Accretion Rate specified above to the Conversion Date, assuming that in any such semiannual period the sum of such compounded accreted interest and the Denominational Amount (such sum being herein called the "Accreted Value") increases in equal daily amounts on the basis of a 360-day year consisting of 12, 30-day months. After the Conversion Date, the District promises to pay to the Registered Owner named above, interest on the Conversion Value from the Conversion Date until the Conversion Value is paid or provided for at the Interest Rate stated above, on February 1 and August 1 of each year, commencing _____, 20__ (the "Bond Payment Dates"). This bond will bear such interest from the Bond Payment Date next preceding the date of authentication hereof unless it is authenticated as of a day during the period from the 15th day of the month next preceding any Bond Payment Date to the Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before _____ 15, 20__, in which event it will bear interest from the Conversion Date. Conversion Value and interest are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered (the "Registered Owner") on the Register maintained by the Paying Agent, initially U.S. Bank National Association, as the agent of the Treasurer and Tax Collector of Los Angeles County. Accreted Value or Conversion Value and redemption premium, if any, are payable upon presentation and surrender of this bond at the principal office of the Paying Agent. Interest following the Conversion Date is payable by check or draft mailed by the Paying Agent on each Bond Payment Date to the Registered Owner of this bond (or one or more

predecessor bonds) as shown and at the address appearing on the Register at the close of business on the 15th day of the calendar month next preceding that Bond Payment Date (the "Record Date"). The Owner of Convertible Capital Appreciation Bonds in the aggregate Conversion Value of \$1,000,000 or more may request in writing to the Paying Agent that the Owner be paid interest by wire transfer to the bank and account number on file with the Paying Agent as of the Record Date.

This bond is one of an authorization of bonds approved to raise money for the purposes authorized by voters of the District at the Election (defined herein) and to pay all necessary legal, financial, engineering and contingent costs in connection therewith under authority of and pursuant to the laws of the State of California, and the requisite vote of the electors of the District cast at a general election held on November 7, 2006 (the "Election"), upon the question of issuing bonds in the amount of \$268,000,000 and the resolution of the Board of Education of the District adopted on November 15, 2012 (the "Bond Resolution"). This bond is being issued under the provisions of Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code. This bond and the issue of which this bond is one are payable as to both principal and interest solely from the proceeds of the levy of ad valorem taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount in accordance with California Education Code Sections 15250 and 15252.

[The bonds of this issue comprise (i) \$_____ principal amount of Current Interest Bonds, (ii) Capital Appreciation Bonds of which \$_____ represents the Denominational Amount and \$_____ represents the Maturity Value, and (iii) Convertible Capital Appreciation Bonds, of which this bond is a part, and of which \$_____ represents the Denominational Amount and \$_____ represents the Conversion Value.]

This bond is exchangeable and transferable for bonds of like tenor, maturity and Transfer Amount (as defined in the Bond Resolution) and in authorized denominations at the designated office of the Paying Agent in Los Angeles, California, by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Paying Agent, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Paying Agent may deem and treat the Registered Owner as the absolute owner of this bond for the purpose of receiving payment of or on account of principal or interest and for all other purposes, and neither the District nor the Paying Agent shall be affected by any notice to the contrary.

Neither the District nor the Paying Agent will be required (a) to issue or transfer any bond during a period beginning with the opening of business on the 16th business day next preceding either any Bond Payment Date or any date of selection of bonds to be redeemed and ending with the close of business on the Bond Payment Date or day on which the applicable notice of redemption is given or (b) to transfer any bond which has been selected or called for redemption in whole or in part.

The Convertible Capital Appreciation Bonds maturing on or before August 1, 20__ are not subject to redemption prior to their fixed maturity dates. The Convertible Capital Appreciation Bonds maturing on or after August 1, 20__ are subject to redemption at the option of the District, as a whole or in part, on any date on or after August 1, 20__ at a redemption price equal to the Accreted Value of such Convertible Capital Appreciation Bonds to be redeemed [as of the date set for such redemption, together with interest accrued thereon to the date set for redemption] without premium.

The Capital Appreciation Bonds maturing on August 1, 20__, are subject to redemption prior to maturity from mandatory sinking fund payments on August 1 of each year, on and after August 1, 20__, at a redemption price equal to the Accreted Value of such Convertible Capital Appreciation

Bonds to be redeemed [as of the date set for such redemption,/together with interest accrued thereon to the date set for redemption] without premium. The Accreted Value represented by such Bonds to be so redeemed and the dates therefor and the final payment date is as indicated in the following table:

Redemption Dates

Accreted Value

TOTAL

If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portions of bonds of such maturity to be redeemed shall be selected by lot by Paying as directed by the District in such manner as the District in its discretion may determine, and if not so directed, by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 Conversion Value or some multiple thereof. If less than all of the bonds stated to mature on different dates shall be called for redemption, the particular bonds or portions thereof to be redeemed shall be called by the Paying Agent in any order directed by the District and, if not so directed, in the inverse order of maturity.

Reference is made to the Bond Resolution for a more complete description of certain defined terms used herein, as well as the provisions, among others, with respect to the nature and extent of the security for the bonds of this series, the rights, duties and obligations of the District, the Paying Agent and the Registered Owners, and the terms and conditions upon which the bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the bonds in order to make them legal, valid and binding general obligations of the District, have been performed and have been met in regular and due form as required by law; that payment in full for the bonds has been received; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the bonds; and that due provision has been made for levying and collecting ad valorem property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.

[REMAINDER OF PAGE LEFT BLANK]

IN WITNESS WHEREOF, the Santa Monica-Malibu Unified School District, Los Angeles County, California, has caused this bond to be executed on behalf of the District and in their official capacities by the manual or facsimile signature of the President of the Board of Education of the District, and to be countersigned by the manual or facsimile signature of the Secretary of the Board of Education of the District, all as of the date stated above.

SANTA MONICA-MALIBU UNIFIED SCHOOL
DISTRICT

By: _____ (Facsimile Signature)
President of the Board of Education

COUNTERSIGNED:

(Facsimile Signature)
Secretary of the Board of Education

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on _____, 2012.

By: U.S. BANK NATIONAL ASSOCIATION, as agent
of the Treasurer and Tax Collector of Los Angeles
County, as Paying Agent

Authorized Officer

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and zip code of Transferee): _____ this bond and irrevocably constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the within bond in every particular, without alteration or any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: _____

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

(Facsimile Signature)
Secretary of the Board of Education

(Form of Legal Opinion)

TO: BOARD OF EDUCATION

ACTION/MAJOR

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ

RE: ADOPT RESOLUTION NO. 12-10 – AUTHORIZING THE ISSUANCE OF SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT 2012 GENERAL OBLIGATION REFUNDING BONDS AND APPROVING THE FORMS OF PURCHASE CONTRACT, ESCROW AGREEMENT AND PRELIMINARY OFFICIAL STATEMENT FOR SUCH REFUNDING BONDS

RECOMMENDATION NO. A.24

It is recommended that the Board of Education adopt Resolution No. 12-10 – Authorizing the Issuance of Santa Monica-Malibu Unified School District 2012 General Obligation Refunding Bonds and approving the forms of Purchase Contract, Escrow Agreement and Preliminary Official Statement for such Refunding Bonds.

BACKGROUND

An election was held in the Santa Monica-Malibu Unified School District on November 7, 2006 for the issuance and sale of general obligation bonds of the District for various purposes in the maximum amount of \$268,000,000 (the "Authorization"). On October 16, 2007, the District sold the first series of bonds under the Authorization known as the "Santa Monica-Malibu Unified School District, Election of 2006 General Obligation Bonds, Series A" (the "Prior Bonds"). The Prior Bonds are now eligible to be refunded on a tax-exempt basis to provide savings to the taxpayers of the District.

(a) Refunding Bond Resolution. This Resolution authorizes the issuance of general obligation refunding bonds (the "Refunding Bonds"). The resolution specifies the basic terms, parameters and forms of the Refunding Bonds, and approves the form of Purchase Contract, Escrow Agreement and form of Preliminary Official Statement described below. In particular, Section 1 of the Resolution establishes the maximum aggregate principal amount of the Refunding Bonds to be issued (\$55,000,000) and the maximum term of borrowing is limited to a term equal to or shorter than the term of the bonds being refunded. Section 4 of the Resolution states the maximum underwriter's discount (0.50%) with respect to the Refunding Bonds, and authorizes the Refunding Bonds to be sold at a negotiated sale to Stone & Youngberg, a Division of Stifel Nicolaus and RBC Capital Markets, LLC (the "Underwriters")

(b) Form of Purchase Contract. Pursuant to the Purchase Contract, the Underwriters will agree to buy the Refunding Bonds from the District. All the conditions of closing the transaction are set forth in this document, including the documentation to be provided at the closing by various parties. Upon the pricing of the Refunding Bonds, the final execution copy of the Purchase Contract will be prepared following this form.

(c) Form of Preliminary Official Statement. The Preliminary Official Statement ("POS") is the offering document describing the Refunding Bonds which may be distributed to prospective purchasers of the Refunding Bonds. The POS discloses information with respect to among other things (i) the proposed uses of proceeds of the Refunding Bonds, (ii) the terms of the Refunding Bonds (interest rate, redemption terms, etc.), (iii) the bond insurance policy for the Refunding Bonds, if any, (iv) the security for repayment of the Refunding Bonds (the tax levy), (v) information with respect to the District's tax base (upon which such *ad valorem* taxes may be levied), (vi) District financial and operating data, (vii) continuing disclosure with respect to the Refunding Bonds and the District, and (viii) absence of litigation and other miscellaneous matters expected to be of interest to prospective purchasers of the Refunding Bonds. Following the pricing of the Refunding Bonds, a final Official Statement for the Refunding Bonds will be prepared, substantially in the form of the POS.

(d) Escrow Agreement. Pursuant to the Escrow Agreement, proceeds from the sale of the Refunding Bonds in an amount sufficient to redeem the outstanding Prior Bonds will be

deposited in an escrow fund (the “Escrow Fund”) held by U.S. Bank National Association, (acting as “Escrow Agent”). The monies in the Escrow Fund will be used by the Escrow Agent to refund the Prior Bonds on or about August 1, 2017. As a result of the deposit and application of funds so provided in the Escrow Agreement, the Prior Bonds will be defeased and the obligation of Los Angeles County to levy *ad valorem* taxes for payment of the Prior Bonds will cease.

FISCAL IMPACT

There is no fiscal impact to the General Fund resulting from the issuance of the Refunding Bonds.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ISSUANCE OF SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT (LOS ANGELES COUNTY, CALIFORNIA) 2012 GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, a duly called municipal election was held in the Santa Monica-Malibu Unified School District (the “District”), Los Angeles County (the “County”), State of California, on November 6, 2006 (the “Election”) and thereafter canvassed pursuant to law;

WHEREAS, at the Election there was submitted to and approved by the requisite fifty-five percent or more vote of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for the various purposes set forth in the ballot submitted to the voters, in the maximum amount not-to-exceed \$268,000,000, payable from the levy of an *ad valorem* tax against the taxable property in the District (the “Authorization”);

WHEREAS, on October 16, 2007, the Board of Supervisors of the County issued, on behalf of the District, the first series of bonds pursuant to the Authorization in an aggregate principal amount of \$60,000,000 (the “Prior Bonds”);

WHEREAS, pursuant to Section 53550 *et seq.* of the California Government Code, the District is authorized to issue general obligation refunding bonds (the “Refunding Bonds”) to refund all or a portion of the outstanding Prior Bonds (so refunded, the “Refunded Bonds”);

WHEREAS, all acts, conditions and things required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of general obligation bonds of the District, and the indebtedness of the District, including this proposed issue of Refunding Bonds, is within all limits prescribed by law; and

WHEREAS, this Board desires to appoint professionals related to the issuance of the Refunding Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT AS FOLLOWS:

SECTION 1. Purpose. To refund all or a portion of the outstanding principal amount of the Prior Bonds, and to pay all necessary legal, financial, and contingent costs in connection therewith, the Board hereby authorizes the issuance of the Refunding Bonds in one or more series of taxable or tax-exempt bonds, to be styled as the “Santa Monica-Malibu Unified School District (Los Angeles County, California) 2012 General Obligation Refunding Bonds,” in an aggregate principal amount not-to-exceed \$55,000,000, with appropriate series designation if more than one series of Refunding Bonds is issued. Additional costs authorized to be paid from the proceeds of the Refunding Bonds are all of the authorized costs of issuance set forth in Section 53550(e) and (f) and Section 53587 of the Government Code.

SECTION 2. Paying Agent. The Board does hereby authorize the appointment Treasurer-Tax Collector of Los Angeles County (the “Treasurer”) as Paying Agent (defined herein) for the Refunding Bonds on behalf of the District. The Treasurer is authorized to contract with any third party to perform the services of Paying Agent hereunder. The Board hereby approves the payment of reasonable fees and expenses of the Paying Agent as they shall become due and payable.

SECTION 3. Terms and Conditions of Sale. To best access the capital markets, the Refunding Bonds are hereby authorized to be sold at a negotiated sale upon the direction of the Superintendent of the District (the “Superintendent”) or the Assistant Superintendent, Business and Fiscal Services/CFO of the District (the “Assistant Superintendent”), or such other officer or official of the District that the Superintendent or the Assistant Superintendent may designate (collectively, the “Authorized Officers”). The Refunding Bonds shall be sold pursuant to the terms and conditions set forth in the Purchase Contract, as described below.

SECTION 4. Approval of Purchase Contract. The form of contract for purchase of the Refunding Bonds (the “Purchase Contract”) by and between the District and the Underwriters (as defined herein), for the purchase and sale of the Refunding Bonds, substantially in the form on file with the Secretary of the Board, is hereby approved and the Authorized Officers, each alone, are hereby authorized to execute and deliver the Purchase Contract, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same may approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the maximum interest rates of the Refunding Bonds shall not exceed the maximum rate permitted by law, and the underwriting discount, exclusive of original issue discount and the reasonable expenses of the Underwriters, shall not exceed 0.50% of the aggregate principal amount of the Refunding Bonds issued, excluding therefrom original issue discount thereon. The Authorized Officers, each alone, are further authorized to determine the principal amount of the Refunding Bonds to be specified in the Purchase Contract for sale by the District up to \$55,000,000 and to enter into and execute the Purchase Contract with the Underwriters, if the conditions set forth in this Resolution are satisfied.

SECTION 5. Certain Definitions. As used in this Resolution, the terms set forth below shall have the meanings ascribed to them (unless otherwise set forth in the Purchase Contract):

- (a) “**Act**” means Sections 53550 *et seq.* of the California Government Code.
- (b) “**Authorizing Documents**” means the authorizing resolution(s), indenture, agreement or other legal document(s) pursuant to which the Prior Bonds were authorized and issued.
- (c) “**Bond Insurer**” means any insurance company which issues a municipal bond insurance policy insuring the payment of principal of and interest on the Refunding Bonds.
- (d) “**Beneficial Owner**” means, when used with reference to book-entry Bonds registered pursuant to Section 6 hereof, the person who is considered the beneficial owner of such Bonds pursuant to the arrangements for book entry determination of ownership applicable to the Depository.
- (e) “**Bond Payment Date**” means, unless otherwise provided by the Purchase Contract, February 1 and August 1 of each year commencing February 1, 2013 with respect to the interest on the Refunding Bonds, and August 1 of each year commencing August 1, 2013 with respect to the principal payments on the Refunding Bonds.

(f) **“Continuing Disclosure Certificate”** means that certain Continuing Disclosure Certificate executed by the District pursuant to paragraph (b)(5) of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, dated as of the date of issuance of the Refunding Bonds, as amended from time to time in accordance with the provisions thereof.

(g) **“Code”** means the Internal Revenue Code of 1986, as the same may be amended from time to time. Reference to a particular section of the Code shall be deemed to be a reference to any successor to any such section.

(h) **“Date of Delivery”** means the date of initial issuance and delivery of the Refunding Bonds, or such other date as shall appear in the Purchase Contract or Official Statement.

(i) **“Depository”** means the entity acting as securities depository pursuant to Section 6(c) hereof.

(j) **“DTC”** means The Depository Trust Company, 55 Water Street, New York, New York 10041, Tel: (212) 855-1000 or Fax: (212) 855-7320, a limited purpose trust company organized under the laws of the State of New York, in its capacity as the initial Depository for the Refunding Bonds.

(k) **“Escrow Agent”** means U.S. Bank National Association, or any other successor thereto, in its capacity as escrow agent for the Refunded Bonds.

(l) **“Escrow Agreement”** means the Escrow Agreement relating to deposit and investment of funds to defease the Refunded Bonds, by and between the District and the Escrow Agent.

(m) **“Federal Securities”** means securities as permitted, in accordance with the Authorizing Documents pursuant to which the Refunded Bonds were issued, to be deposited with the Escrow Agent for the purpose of defeasing the Refunded Bonds.

(n) **“Information Services”** means Financial Information, Inc.’s “Financial Daily Called Bond Service; Standard & Poor’s J.J. Kenny Information Services’ Called Bond Service; or Mergent Inc.’s Called Bond Department.

(o) **“Nominee”** means the nominee of the Depository, which may be the Depository, as determined from time to time pursuant to Section 6(c) hereof.

(p) **“Official Statement”** means the Official Statement for the Bonds, as described in Section 17 hereof.

(q) **“Outstanding”** means, when used with reference to the Refunding Bonds, as of any date, Bonds theretofore issued or thereupon being issued under this Resolution except:

(i) Refunding Bonds canceled at or prior to such date;

(ii) Refunding Bonds in lieu of or in substitution for which other Refunding Bonds shall have been delivered pursuant to Section 8 hereof; or

(iii) Refunding Bonds for the payment or redemption of which funds or Government Obligations in the necessary amount shall have been set aside (whether on or prior to the maturity or redemption date of such Refunding Bonds), in accordance with Section 19 of this Resolution

(r) **“Owners”** or **“Registered Owner”** means the registered owner of a Bond as set forth on the registration books maintained by the Paying Agent pursuant to Section 6 hereof.

(s) **“Participants”** means those broker-dealers, banks and other financial institutions from time to time for which the Depository holds book-entry certificates as securities depository.

(t) **“Paying Agent”** means, initially, the Treasurer, and thereafter any successor financial institution, acting as paying agent, verification agent, transfer agent, bond registrar for the Refunding Bonds.

(u) **“Record Date”** means the close of business on the fifteenth day of the month preceding each Bond Payment Date.

(v) **“Securities Depository”** means The Depository Trust Company, 55 Water Street, New York, New York 10041, Tel: (212) 855-1000 or Fax: (212) 855-7320 with Cede & Co. as its nominee.

(w) **“Term Bonds”** means those Refunding Bonds for which mandatory sinking fund redemption dates have been established in the Purchase Contract.

(x) **“Transfer Amount”** means, with respect to Outstanding Refunding Bonds, the principal amount thereof.

SECTION 6. Terms of the Refunding Bonds.

(a) **Denomination, Interest, Dated Dates.** The Refunding Bonds shall be issued as fully registered bonds registered as to both principal and interest, in the denominations of \$5,000 or any integral multiple thereof. The Refunding Bonds will be initially registered to “Cede & Co.,” the Nominee of DTC.

Each Refunding Bond shall be dated the Date of Delivery, and shall bear interest at the rates set forth in the Purchase Contract from the Bond Payment Date next preceding the date of authentication thereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to that Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before the first Record Date, in which event it shall bear interest from the Date of Delivery. Interest on the Refunding Bonds shall be payable on the respective Bond Payment Dates and shall be computed on the basis of a 360-day year of twelve 30-day months.

No Refunding Bond shall mature later than the final maturity date of each series of the Refunded Bonds to be refunded from proceeds of such Refunding Bond.

(b) **Redemption.**

(i) **Optional Redemption.** The Refunding Bonds shall be subject to optional redemption prior to maturity as provided in the Purchase Contract.

(ii) **Mandatory Redemption.** Any Refunding Bonds issued as Term Bonds shall be subject to mandatory sinking fund redemption as provided in the Purchase Contract.

(iii) Selection of Refunding Bonds for Redemption. Whenever provision is made in this Resolution for the optional redemption of Bonds and less than all Outstanding Refunding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District, shall select Refunding Bonds for redemption as so directed and if not directed, in inverse order of maturity. Within a maturity, the Paying Agent shall select Refunding Bonds for redemption as directed by the District and, if not so directed, by lot. Redemption by lot shall be in such manner as the Paying Agent shall determine.

The Purchase Contract may provide that (i) in the event that any portion of Bonds subject to mandatory sinking fund redemption are optionally redeemed prior to maturity, the remaining mandatory sinking fund payments with respect to such Bonds shall be reduced proportionately, in integral multiples of \$5,000 principal amount, in respect of the portion of such Bonds optionally redeemed, and (ii) within a maturity, Bonds shall be selected for redemption on a “Pro Rata Pass-Through Distribution of Principal” basis in accordance with DTC procedures, provided further that, such redemption is made in accordance with the operational arrangements of DTC then in effect.

With respect to redemption by lot, the portion of any Refunding Bond to be redeemed in part shall be in the principal amount of \$5,000 or any integral multiple thereof.

(iv) Notice of Redemption. When redemption is authorized or required pursuant to Section 6(b)(i) hereof, the Paying Agent, upon written instruction from the District, shall give notice (a “Redemption Notice”) of the redemption of the Refunding Bonds. Such Redemption Notice shall specify: the Refunding Bonds or designated portions thereof (in the case of redemption of the Refunding Bonds in part but not in whole) which are to be redeemed; the date of redemption; the place or places where the redemption will be made, including the name and address of the Paying Agent; the redemption price; the CUSIP numbers (if any) assigned to the Refunding Bonds to be redeemed, the Refunding Bond numbers of the Refunding Bonds to be redeemed in whole or in part and, in the case of any Refunding Bond to be redeemed in part only, the principal amount of such Refunding Bond to be redeemed; and the original issue date, interest rate and stated maturity date of each Refunding Bond to be redeemed in whole or in part. Such Redemption Notice shall further state that on the specified date there shall become due and payable upon each Refunding Bond or portion thereof being redeemed at the redemption price thereof, together with the interest accrued to the redemption date thereon, and that from and after such date, interest with respect thereto shall cease to accrue.

The Paying Agent shall take the following actions with respect to such Redemption Notice:

(A) At least 20 but not more than 60 days prior to the redemption date, such Redemption Notice shall be given to the respective Owners of Refunding Bonds designated for redemption by registered or certified mail, postage prepaid, at their addresses appearing on the Bond Register.

(B) At least 20 but not more than 60 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, (ii) telephonically confirmed facsimile transmission, or (iii) overnight delivery service to each of the Securities Depository.

(C) At least 20 but not more than 60 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, or (ii) overnight delivery service to one of the Information Services.

A certificate of the Paying Agent or the District that a notice of redemption has been given as provided herein shall be conclusive as against all parties. Neither failure to receive any Redemption Notice nor any defect in any such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of the affected Bonds. Each check issued or other transfer of funds made by the Paying Agent for the purpose of redeeming Bonds shall bear or include the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

With respect to any notice of optional redemption of Refunding Bonds (or portions thereof) pursuant to Section 6(b)(i) hereof, unless upon the giving of such notice such Refunding Bonds shall be deemed to have been defeased pursuant to Section 19 hereof, such notice shall state that such redemption shall be conditional upon the receipt by the Paying Agent (or an independent escrow agent selected by the District) on or prior to the date fixed for such redemption of the moneys necessary and sufficient to pay the principal of, and premium, if any, and interest on, such Refunding Bonds to be redeemed, and that if such moneys shall not have been so received said notice shall be of no force and effect, such Refunding Bonds shall not be subject to redemption on such date and such Refunding Bonds shall not be required to be redeemed on such date. In the event that such notice of redemption contains such a condition and such moneys are not so received, the redemption shall not be made and the Paying Agent shall within a reasonable time thereafter give notice (but in no event later than the date initially set for redemption), to the persons to whom and in the manner in which the notice of redemption was given, that such moneys were not so received.

(v) Partial Redemption of Refunding Bonds. Upon the surrender of any Refunding Bond redeemed in part only, the Paying Agent shall execute and deliver to the Owner thereof a new Refunding Bond or Refunding Bonds of like tenor and maturity and of authorized denominations equal in Transfer Amounts to the unredeemed portion of the Refunding Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the District shall be released and discharged thereupon from all liability to the extent of such payment.

(vi) Effect of Notice of Redemption. Notice having been given as aforesaid, and the moneys for the redemption (including the interest accrued to the applicable date of redemption) having been set aside as provided in Section 19 hereof, the Refunding Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Refunding Bonds to be redeemed as provided in Section 6(b)(i) hereof, together with interest accrued to such redemption date, shall be held by an independent escrow agent selected by the District so as to be available therefor on such redemption date, and if notice of redemption thereof shall have been given as aforesaid, then from and after such redemption date, interest with respect to the Refunding Bonds to be redeemed shall cease to accrue and become payable. All money held for the redemption of Refunding Bonds shall be held in trust for the account of the Owners of the Refunding Bonds so to be redeemed.

All Refunding Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Section 6 shall be cancelled upon surrender thereof and be delivered to or upon

the order of the District. All or any portion of a Refunding Bond purchased by the District shall be cancelled by the Paying Agent.

(vii) Refunding Bonds No Longer Outstanding. When any Refunding Bonds (or portions thereof), which have been duly called for redemption prior to maturity under the provisions of this Resolution, or with respect to which instructions to call for redemption prior to maturity at the earliest redemption date have been given to the Paying Agent, in form satisfactory to it, and sufficient moneys shall be held irrevocably in trust for the payment of the redemption price of such Refunding Bonds or portions thereof, and, accrued interest thereon to the date fixed for redemption, all as provided in this Resolution, then such Refunding Bonds shall no longer be deemed Outstanding and shall be surrendered to the Paying Agent for cancellation.

(c) Book-Entry System.

(i) Election of Book-Entry System. The Refunding Bonds shall initially be delivered in the form of a separate single fully-registered bond (which may be typewritten) for each maturity date of such Refunding Bonds in an authorized denomination. The ownership of each such Refunding Bond shall be registered in the register of bonds ("Bond Register") maintained by the Paying Agent in the name of the Nominee, as nominee of the Depository and ownership of the Refunding Bonds, or any portion thereof may not thereafter be transferred except as provided in Section 6(c)(i)(4).

With respect to book-entry Refunding Bonds, the District and the Paying Agent shall have no responsibility or obligation to any Participant or to any person on behalf of which such a Participant holds an interest in such book-entry Refunding Bonds. Without limiting the immediately preceding sentence, the District and the Paying Agent shall have no responsibility or obligation with respect to: (i) the accuracy of the records of the Depository, the Nominee, or any Participant with respect to any ownership interest in book-entry Refunding Bonds; (ii) the delivery to any Participant or any other person, other than an Owner as shown in the Bond Register, of any notice with respect to book-entry Refunding Bonds, including any notice of redemption; (iii) the selection by the Depository and its Participants of the beneficial interests in book-entry Refunding Bonds to be prepaid in the event the District redeems book-entry Refunding Bonds in part; (iv) or the payment by the Depository or any Participant or any other person, of any amount with respect to principal, premium, if any, or interest on book-entry Refunding Bonds. The District and the Paying Agent may treat and consider the person in whose name each Refunding Bond is registered in the Bond Register as the absolute Owner of such the Refunding Bond for the purpose of payment of principal of and premium and interest on and to such Refunding Bond, for the purpose of giving notices of redemption and other matters with respect to such Refunding Bond, for the purpose of registering transfers with respect to such Refunding Bond, and for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on book-entry Refunding Bonds only to or upon the order of the respective Owner, as shown in the Bond Register, or his respective attorney duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the District's obligations with respect to payment of principal of, and premium, if any, and interest on book-entry Refunding Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Bond Register, shall receive a certificate evidencing the obligation to make payments of principal of, and premium, if any, and interest on book-entry Refunding Bonds. Upon delivery by the Depository to the Owner and the Paying Agent, of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions herein with respect

to the Record Date, the word “Nominee” in this Resolution shall refer to such nominee of the Depository.

1. Delivery of Letter of Representations. In order to qualify the Refunding Bonds for the Depository’s book-entry system, the District and the Paying Agent shall execute and deliver to the Depository a Letter of Representations. The execution and delivery of a Letter of Representations shall not in any way impose upon the District or the Paying Agent any obligation whatsoever with respect to persons having interests in such book-entry Refunding Bonds other than the Owners, as shown on the Bond Register. By executing a Letter of Representations, the Paying Agent shall agree to take all action necessary at all times so that the District will be in compliance with all representations of the District in such Letter of Representations. In addition to the execution and delivery of a Letter of Representations, the District and the Paying Agent shall take such other actions, not inconsistent with this Resolution, as are reasonably necessary to qualify the Refunding Bonds for the Depository’s book-entry program.

2. Selection of Depository. In the event (i) the Depository determines not to continue to act as securities depository for book-entry Refunding Bonds, or (ii) the District determines that continuation of the book-entry system is not in the best interest of the Beneficial Owners of the Refunding Bonds or the District, then the District will discontinue the book-entry system with the Depository. If the District determines to replace the Depository with another qualified securities depository, the District shall prepare or direct the preparation of a new single, separate, fully registered bond for each maturity date of such book-entry Refunding Bond, registered in the name of such successor or substitute qualified securities depository or its Nominee as provided in subsection (4) hereof. If the District fails to identify another qualified securities depository to replace the Depository, then such Refunding Bonds shall no longer be restricted to being registered in such Bond Register in the name of the Nominee, but shall be registered in whatever name or names the Owners transferring or exchanging such Refunding Bonds shall designate, in accordance with the provisions of this Section 6(c).

3. Payments and Notices to Depository. Notwithstanding any other provision of this Resolution to the contrary, so long as all Outstanding Refunding Bonds are held in book-entry form and registered in the name of the Nominee, all payments by the District or Paying Agent with respect to principal of and premium, if any, or interest on the Refunding Bonds and all notices with respect to such Refunding Bonds, including notices of redemption, shall be made and given, respectively to the Nominee, as provided in the Letter of Representations or as otherwise required or instructed by the Depository and agreed to by the Paying Agent notwithstanding any inconsistent provisions herein.

4. Transfer of Refunding Bonds to Substitute Depository.

(A) The Refunding Bonds shall be initially issued as described in the Official Statement. Registered ownership of such Refunding Bonds, or any portions thereof, may not thereafter be transferred except:

(1) to any successor of DTC or its Nominee, or of any substitute depository designated pursuant to Section 6(c)(i)(4)(A)(2) (“Substitute Depository”); provided that any successor of DTC or Substitute Depository shall be qualified under any applicable laws to provide the service proposed to be provided by it;

(2) to any Substitute Depository, upon (a) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (b) a determination by the District that DTC (or its successor) is no longer able to carry out its functions as depository; provided that any such Substitute Depository shall be qualified under any applicable laws to provide the services proposed to be provided by it; or

(3) to any person as provided below, upon (a) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (b) a determination by the District that DTC or its successor (or Substitute Depository or its successor) is no longer able to carry out its functions as depository.

(B) In the case of any transfer pursuant to Section 6(c)(i)(4)(A)(1) or (2), upon receipt of all Outstanding Refunding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent designating the Substitute Depository, a single new Refunding Bond, which the District shall prepare or cause to be prepared, shall be executed and delivered for each maturity of Refunding Bonds then Outstanding, registered in the name of such successor or such Substitute Depository or their Nominees, as the case may be, all as specified in such written request of the District. In the case of any transfer pursuant to Section 6(c)(i)(4)(A)(3), upon receipt of all Outstanding Refunding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent, new Refunding Bonds, which the District shall prepare or cause to be prepared, shall be executed and delivered in such denominations and registered in the names of such persons as are requested in such written request of the District, provided that the Paying Agent shall not be required to deliver such new Refunding Bonds within a period of less than sixty (60) days from the date of receipt of such written request from the District.

(C) In the case of a partial redemption or advance refunding of any Refunding Bonds evidencing a portion of the principal maturing in a particular year, DTC or its successor (or any Substitute Depository or its successor) shall make an appropriate notation on such Refunding Bonds indicating the date and amounts of such reduction in principal, in form acceptable to the Paying Agent, all in accordance with the Letter of Representations. The Paying Agent shall not be liable for such Depository's failure to make such notations or errors in making such notations.

(D) The District and the Paying Agent shall be entitled to treat the person in whose name any Refunding Bond is registered as the Owner thereof for all purposes of this Resolution and any applicable laws, notwithstanding any notice to the contrary received by the Paying Agent or the District; and the District and the Paying Agent shall not have responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any Beneficial Owners of the Refunding Bonds. Neither the District nor the Paying Agent shall have any responsibility or obligation, legal or otherwise, to any such Beneficial Owners or to any other party, including DTC or its successor (or Substitute Depository or its successor), except to the Owner of any Refunding Bonds, and the Paying Agent may rely conclusively on its records as to the identity of the Owners of the Refunding Bonds.

SECTION 7. Execution of Refunding Bonds. The Refunding Bonds shall be signed by the President of the Board, or such other member of the Board authorized to sign on behalf of the President by resolution thereof, by his or her manual or facsimile signature and countersigned by the manual or facsimile signature of the Secretary of or to the Board, all in their official capacities. No Refunding Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until the certificate of authentication printed on the Refunding Bond is signed by the Paying Agent as authenticating agent. Authentication by the Paying Agent shall be conclusive

evidence that the Refunding Bond so authenticated has been duly issued, signed and delivered under this Resolution and is entitled to the security and benefit of this Resolution.

SECTION 8. Paying Agent; Transfer and Exchange. So long as any of the Refunding Bonds remain Outstanding, the District will cause the Paying Agent to maintain and keep at its designated office all books and records necessary for the registration, exchange and transfer of the Refunding Bonds as provided in this Section. Subject to the provisions of Section 9 below, the person in whose name a Refunding Bond is registered on the Bond Register shall be regarded as the absolute Owner of that Refunding Bond for all purposes of this Resolution. Payment of or on account of the principal of and premium, if any, and interest on any Refunding Bond shall be made only to or upon the order of the Owner; neither the District nor the Paying Agent shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the District's liability upon the Refunding Bonds, including interest, to the extent of the amount or amounts so paid.

Any Refunding Bond may be exchanged for Refunding Bonds of like series, tenor, maturity and Transfer Amount upon presentation and surrender at the designated office of the Paying Agent, together with a request for exchange signed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. A Refunding Bond may be transferred on the Bond Register only upon presentation and surrender of the Refunding Bond at the designated office of the Paying Agent together with an assignment executed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. Upon exchange or transfer, the Paying Agent shall complete, authenticate and deliver a new Refunding Bond or Refunding Bonds of like tenor and of any authorized denomination or denominations requested by the Owner equal to the Transfer Amount of the Refunding Bond surrendered and bearing or accruing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the District are required in connection with an exchange or transfer, the Paying Agent shall undertake the exchange or transfer of Refunding Bonds only after the new Refunding Bonds are signed by the authorized officers of the District. In all cases of exchanged or transferred Refunding Bonds, the District shall sign and the Paying Agent shall authenticate and deliver Refunding Bonds in accordance with the provisions of this Resolution. All fees and costs of transfer shall be paid by the requesting party. Those charges may be required to be paid before the procedure is begun for the exchange or transfer. All Refunding Bonds issued upon any exchange or transfer shall be valid obligations of the District, evidencing the same debt, and entitled to the same security and benefit under this Resolution as the Refunding Bonds surrendered upon that exchange or transfer.

Any Refunding Bond surrendered to the Paying Agent for payment, retirement, exchange, replacement or transfer shall be cancelled by the Paying Agent. The District may at any time deliver to the Paying Agent for cancellation any previously authenticated and delivered Refunding Bonds that the District may have acquired in any manner whatsoever, and those Refunding Bonds shall be promptly cancelled by the Paying Agent. Written reports of the surrender and cancellation of Refunding Bonds shall be made to the District by the Paying Agent as requested by the District. The cancelled Refunding Bonds shall be retained for three years, then returned to the District or destroyed by the Paying Agent as directed by the District.

Neither the District nor the Paying Agent will be required (a) to issue or transfer any Refunding Bonds during a period beginning with the opening of business on the 16th business day next preceding either any Bond Payment Date or any date of selection of Refunding Bonds to be redeemed and ending with the close of business on the Bond Payment Date or any day on which the applicable notice of

redemption is given or (b) to transfer any Refunding Bonds which have been selected or called for redemption in whole or in part.

SECTION 9. Payment. Payment of interest on any Refunding Bond on any Bond Payment Date shall be made to the person appearing on the registration books of the Paying Agent as the Owner thereof as of the Record Date immediately preceding such Bond Payment Date, such interest to be paid by check mailed to such Owner on the Bond Payment Date at his address as it appears on such registration books or at such other address as he may have filed with the Paying Agent for that purpose on or before the Record Date. The Owner in an aggregate principal amount of \$1,000,000 or more may request in writing to the Paying Agent that such Owner be paid interest by wire transfer to the bank and account number on file with the Paying Agent as of the Record Date. The principal, and redemption price, if any, payable on the Refunding Bonds shall be payable upon maturity or redemption upon surrender at the designated office of the Paying Agent. The interest, principal and premiums, if any, on the Refunding Bonds shall be payable in lawful money of the United States of America. The Paying Agent is hereby authorized to pay the Refunding Bonds when duly presented for payment at maturity, and to cancel all Refunding Bonds upon payment thereof. The Refunding Bonds are general obligations of the District, payable without limit as to rate or amount solely from the levy of *ad valorem* property taxes upon all property subject to taxation within the District. No part of any fund of the County is pledged or obligated to the payment of the Refunding Bonds.

SECTION 10. Form of Refunding Bonds. The Refunding Bonds shall be in substantially the form included in Exhibit A hereto, allowing those officials executing the Refunding Bonds to make the insertions and deletions necessary to conform the Refunding Bonds to this Resolution, the Purchase Contract and the Official Statement.

SECTION 11. Delivery of Refunding Bonds. The proper officials of the District shall cause the Refunding Bonds to be prepared and, following their sale, shall have the Refunding Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Refunding Bonds, to the Underwriters upon payment of the purchase price therefor.

SECTION 12. Deposit of Proceeds of Refunding Bonds; Escrow Agreement. An amount of proceeds from the sale of the Refunding Bonds necessary to purchase Federal Securities, or to otherwise refund the Refunded Bonds, shall be transferred to the Escrow Agent for deposit in the "Santa Monica-Malibu Unified School District, 2012 General Obligation Refunding Bonds Escrow Fund" (the "Escrow Fund") established under the Escrow Agreement, which amount, if uninvested, shall be sufficient, or if invested, together with an amount or amounts of cash held uninvested therein, shall be sufficient to refund the Refunded Bonds all as set forth in a certificate of an Authorized Officer. Premium or proceeds received from the sale of the Refunding Bonds desired to pay all or a portion of the costs of issuing the Refunding Bonds may be deposited in the fund of the District held by a fiscal agent selected thereby and shall be kept separate and distinct from all other District funds, and those proceeds shall be used solely for the purpose of paying costs of issuance of the Refunding Bonds.

Any accrued interest received by the District from the sale of the Refunding Bonds shall be kept separate and apart in the fund hereby created and established and to be designated as the "Santa Monica-Malibu Unified School District, 2012 General Obligation Refunding Bonds Debt Service Fund" (the "Debt Service Fund") for the Refunding Bonds and used only for payments of principal of and interest on the Refunding Bonds and for no other purpose. The Debt Service Fund shall be held by the County. A portion of the premium received by the District from the sale of the Refunding Bonds may be transferred to the Debt Service Fund or applied to the payment of cost of issuance of the Refunding Bonds, or some combination of deposits. Any excess proceeds of the Refunding Bonds not needed for the authorized

purposes set forth herein for which the Refunding Bonds are being issued shall be transferred to the Debt Service Fund and applied to the payment of the principal of and interest on the Refunding Bonds. If, after payment in full of the Refunding Bonds, there remain excess proceeds, any such excess amounts shall be transferred to the general fund of the District.

The moneys in the Debt Service Fund, to the extent necessary to pay the principal of and interest on the Refunding Bonds as the same become due and payable, shall be transferred by the Treasurer-Tax Collector of Shasta County to the Paying Agent which, in turn, shall pay such moneys to DTC to pay the principal of and interest on the Refunding Bonds. DTC will thereupon make payments of principal and interest on the Refunding Bonds to the DTC Participants who will thereupon make payments of principal and interest to the Beneficial Owners of the Refunding Bonds. Any moneys remaining in the Debt Service Fund after the Refunding Bonds and the interest thereon have been paid, or provision for such payment has been made, shall be transferred to the general fund of the District.

Except as required below to satisfy the requirements of Section 148(f) of the Code, interest earned on the investment of monies held in the Debt Service Fund shall be retained in the Debt Service Fund and used to pay principal and interest on the Refunding Bonds when due.

SECTION 13. Rebate Fund.

(a) General. If necessary, there shall be created and established a special fund designated the “Santa Monica-Malibu Unified School District 2012 General Obligation Refunding Bonds Rebate Fund” (the “Rebate Fund”). All amounts at any time on deposit in the Rebate Fund shall be held in trust, to the extent required to satisfy the requirement to make rebate payments to the United States (the “Rebate Requirement”) pursuant to Section 148 of the Code, as the same may be amended from time to time, and the Treasury Regulations promulgated thereunder (the “Rebate Regulations”). Such amounts shall be free and clear of any lien hereunder and shall be governed by this Section and Section 14 of this Resolution and by the Tax Certificate concerning certain matters pertaining to the use and investment of proceeds of the Refunding Bonds, to be executed and delivered to the District on the date of issuance of the Refunding Bonds, including any and all exhibits attached thereto (the “Tax Certificate”).

(b) Deposits.

(i) Within forty-five (45) days of the end of each fifth Bond Year (as such term is defined in the Tax Certificate) (1) the District shall calculate or cause to be calculated with respect to the Refunding Bonds the amount that would be considered the “rebate amount” within the meaning of Section 1.148-3 of the Rebate Regulations, using as the “computation date” for this purpose the end of such five Bond Years, and (2) the District shall deposit to the Rebate Fund from deposits from the District or from amounts available therefor on deposit in the other funds established hereunder, if and to the extent required, amounts sufficient to cause the balance in the Rebate Fund to be equal to the “rebate amount” so calculated.

(ii) The District shall not be required to deposit any amount to the Rebate Fund in accordance with the preceding sentence if the amount on deposit in the Rebate Fund prior to the deposit required to be made under this subsection (b) equals or exceeds the “rebate amount” calculated in accordance with the preceding sentence. Such excess may be withdrawn from the Rebate Fund to the extent permitted under subsection (g) of this Section.

(iii) The District shall not be required to calculate the “rebate amount” and the District shall not be required to deposit any amount to the Rebate Fund in accordance with this

subsection (b), with respect to all or a portion of the proceeds of the Refunding Bonds (including amounts treated as the proceeds of the Refunding Bonds) (1) to the extent such proceeds satisfy the expenditure requirements of Section 148(f)(4)(B) or Section 148 (f)(4)(C) of the Code or Section 1.148-7(d) of the Treasury Regulations or the small issuer exception of Section 148(f)(4)(D) of the Code, whichever is applicable, and otherwise qualify for the exception of the Rebate Requirement pursuant to whichever of said sections is applicable, or (2) to the extent such proceeds are subject to an election by the District under Section 148(f)(4)(C)(vii) of the Code to pay a one and one-half percent (1½%) penalty in lieu of arbitrage rebate in the event any of the percentage expenditure requirements of Section 148(f)(4)(C) are not satisfied, or (3) to the extent such proceeds qualify for the exception to arbitrage rebate under Section 148(f)(4)(A)(ii) of the Code for amounts in a “bona fide debt service fund.” In such event, and with respect to such amounts, the District shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b).

(c) Withdrawal Following Payment of Refunding Bonds. Any funds remaining in the Rebate Fund after redemption of all the Refunding Bonds and any amounts described in paragraph (ii) of subsection (d) of this Section, including accrued interest, shall be transferred to the General Fund of the District.

(d) Withdrawal for Payment of Rebate. Subject to the exceptions contained in subsection (b) of this Section to the requirement to calculate the “rebate amount” and make deposits to the Rebate Fund, the District shall pay to the United States, from amounts on deposit in the Rebate Fund,

(i) not later than sixty (60) days after the end of (a) the fifth (5th) Bond Year, and (b) each fifth (5th) Bond Year thereafter, an amount that, together with all previous rebate payments, is equal to at least 90% of the “rebate amount” calculated as of the end of such Bond Year in accordance with Section 1.148-3 of the Rebate Regulations; and

(ii) not later than sixty (60) days after the payment of all Refunding Bonds, an amount equal to one hundred percent (100%) of the “rebate amount” calculated as of the date of such payment (and any income attributable to the “rebate amount” determined to be due and payable) in accordance with Section 1.148-3 of the Rebate Regulations.

(e) Rebate Payments. Each payment required to be made pursuant to subsection (d) of this Section shall be made to the Internal Revenue Service Center, Ogden, Utah 84201, on or before the date on which such payment is due, and shall be accompanied by Internal Revenue Service Form 8038-T, such form to be prepared or caused to be prepared by or on behalf of the District.

(f) Deficiencies in the Rebate Fund. In the event that, prior to the time of any payment required to be made from the Rebate Fund, the amount in the Rebate Fund is not sufficient to make such payment when such payment is due, the District shall calculate the amount of such deficiency and deposit an amount equal to such deficiency into the Rebate Fund prior to the time such payment is due.

(g) Withdrawals of Excess Amount. In the event that immediately following the calculation required by subsection (b) of this Section, but prior to any deposit made under said subsection, the amount on deposit in the Rebate Fund exceeds the “rebate amount” calculated in accordance with said subsection, upon written instructions from the District, the District may withdraw the excess from the Rebate Fund and credit such excess to the Debt Service Fund.

(h) Record Retention. The District shall retain records of all determinations made hereunder until three years after the retirement of the Refunding Bonds.

(i) Survival of Defeasance. Notwithstanding anything in this Resolution to the contrary, the Rebate Requirement shall survive the payment in full or defeasance of the Refunding Bonds.

SECTION 14. Security for the Refunding Bonds. There shall be levied on all the taxable property in the District, in addition to all other taxes, a continuing direct *ad valorem* tax annually during the period the Refunding Bonds are Outstanding in an amount sufficient to pay the principal of and interest on the Refunding Bonds when due, which moneys when collected will be placed in the Debt Service Fund of the District and used for the payment of the principal of and interest on the Refunding Bonds when and as the same fall due, and for no other purpose. The District covenants to cause the County to take all actions necessary to levy such *ad valorem* tax in accordance with this Section 14 and Section 53559 of the Act.

SECTION 15. Arbitrage Covenant. The District will restrict the use of the proceeds of the Refunding Bonds in such manner and to such extent, if any, as may be necessary, so that the Refunding Bonds will not constitute arbitrage bonds under Section 148 of the Code and the applicable regulations prescribed under that Section or any predecessor section.

SECTION 16. Legislative Determinations. The Board determines that all acts and conditions necessary to be performed by the Board or to have been met precedent to and in the issuing of the Refunding Bonds in order to make them legal, valid and binding general obligations of the District have been performed and have been met, or will at the time of delivery of the Refunding Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Refunding Bonds. Furthermore, the Board finds and determines pursuant to Section 53552 of the Act that the prudent management of the fiscal affairs of the District requires that it issue the Refunding Bonds without submitting the question of the issuance of the Refunding Bonds to a vote of the qualified electors of the District.

SECTION 17. Official Statement. The Preliminary Official Statement relating to the Refunding Bonds, substantially in the form on file with the Secretary to the Board is hereby approved and the Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deliver such Preliminary Official Statement to the Underwriters to be used in connection with the offering and sale of the Refunding Bonds. The Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deem the Preliminary Official Statement “final” pursuant to 15c2-12 of the Securities Exchange Act of 1934, prior to its distribution and to execute and deliver to the Underwriters a final Official Statement, substantially in the form of the Preliminary Official Statement, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same shall approve. The Underwriters are hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Refunding Bonds and is directed to deliver copies of any final Official Statement to the purchasers of the Refunding Bonds. Execution of the Official Statement shall conclusively evidence the District’s approval of the Official Statement.

SECTION 18. Insurance. In the event the District purchases bond insurance for the Refunding Bonds, and to the extent that the Bond Insurer makes payment of the principal or interest on the Refunding Bonds, it shall become the Owner of such Refunding Bonds with the right to payment of principal or interest on the Refunding Bonds, and shall be fully subrogated to all of the Owners’ rights, including the Owners’ rights to payment thereof. To evidence such subrogation (i) in the case of subrogation as to claims that were past due interest components, the Paying Agent shall note the Bond Insurer’s rights as subrogee on the registration books for the Refunding Bonds maintained by the Paying

Agent upon receipt of a copy of the cancelled check issued by the Bond Insurer for the payment of such interest to the Owners of the Refunding Bonds, and (ii) in the case of subrogation as to claims for past due principal, the Paying Agent shall note the Bond Insurer as subrogee on the registration books for the Refunding Bonds maintained by the Paying Agent upon surrender of the Refunding Bonds by the Owners thereof to the Bond Insurer or the insurance trustee for the Bond Insurer.

SECTION 19. Defeasance. All or any portion of the Outstanding maturities of the Refunding Bonds may be defeased prior to maturity in the following ways:

(a) Cash: by irrevocably depositing with an independent escrow agent selected by the District an amount of cash which, together with amounts transferred from the Debt Service Fund, is sufficient to pay and discharge all Refunding Bonds Outstanding and designated for defeasance (including all principal thereof, interest thereon and prepayment premiums, if any) at or before their maturity date; or

(b) Government Obligations: by irrevocably depositing with an independent escrow agent selected by the District noncallable Government Obligations, together with amounts transferred from the Debt Service Fund and any other cash, if required, in such amount as will, in the opinion of an independent certified public accountant, be fully sufficient to pay and discharge all Refunding Bonds Outstanding and designated for defeasance (including all principal thereof, interest thereon and prepayment premiums, if any) at or before their maturity date;

then, notwithstanding that any of such Refunding Bonds shall not have been surrendered for payment, all obligations of the District with respect to all such designated Outstanding Refunding Bonds shall cease and terminate, except only the obligation of the independent escrow agent selected by the District to pay or cause to be paid from funds deposited pursuant to paragraphs (a) or (b) of this Section, to the Owners of such designated Refunding Bonds not so surrendered and paid all sums due with respect thereto.

For purposes of this Section, “Government Obligations” shall mean:

Direct and general obligations of the United States of America, or obligations that are unconditionally guaranteed as to principal and interest by the United States of America (which may consist of obligations of the Resolution Funding Corporation that constitute interest strips), or “prerefunded” municipal obligations rated in the highest rating category by Moody’s Investors Service or Standard & Poor’s. In the case of direct and general obligations of the United States of America, Government Obligations shall include evidences of direct ownership of proportionate interests in future interest or principal payments of such obligations. Investments in such proportionate interests must be limited to circumstances where (a) a bank or trust company acts as custodian and holds the underlying United States obligations; (b) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying United States obligations; and (c) the underlying United States obligations are held in a special account, segregated from the custodian’s general assets, and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated; provided that such obligations are rated or assessed “AAA” by Standard & Poor’s or “Aaa” by Moody’s Investors Service.

SECTION 20. Other Actions, Determinations and Approvals.

(a) Officers of the Board, District officials and staff are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the Refunding Bonds and

otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

(b) The Board hereby finds and determines that both the total net interest cost to maturity on the Refunding Bonds plus the principal amount of the Refunding Bonds will be less than the total net interest cost to maturity on the Refunded Bonds plus the principal amount of the Refunded Bonds.

(c) The Board anticipates that the Refunded Bonds will be redeemed on the first optional redemption date of such Refunded Bonds following the issuance of the Refunding Bonds.

(d) The Board hereby appoints U.S. Bank National Association Escrow Agent for the Refunding Bonds and approves the Escrow Agreement, substantially in the form on file with the Secretary of the Board. The Authorized Officers, each alone, are hereby authorized to execute the Escrow Agreement with such changes as they shall approve, such approval to be conclusively evidenced by either individual's execution and delivery thereof.

(e) The Board hereby appoints Stifel Nicolaus & Company, dba Stone & Youngberg, a Division of Stifel Nicolaus and RBC Capital Markets, LLC as the Underwriters, Keygent LLC as the Financial Advisor, and Stradling Yocca Carlson & Rauth, a Professional Corporation, San Francisco, California, as Bond Counsel and Disclosure Counsel, all with respect to the issuance of the Refunding Bonds.

(f) The provisions of this Resolution as they relate to the terms of the Refunding Bonds may be amended by the Purchase Contract and the Official Statement; if the Purchase Contract so provides, the Refunding Bonds may be issued as crossover refunding bonds pursuant to Section 53558(b) of the Government Code.

SECTION 21. Resolution to Treasurer-Tax Collector. The Clerk of this Board is hereby directed to provide a certified copy of this Resolution to the Treasurer immediately following its adoption.

SECTION 22. Continuing Disclosure. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of that certain Continuing Disclosure Certificate executed by the District and dated the Date of Delivery, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Any Bond Holder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the District to comply with its obligations under this Section. Noncompliance with this Section shall not result in acceleration of the Refunding Bonds.

SECTION 23. Recitals. All the recitals in this Resolution above are true and correct and this Board so finds, determines and represents.

SECTION 24. Effective Date. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 15th day of November, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

President, Board of Education
Santa Monica-Malibu Unified School District

Attest:

Secretary to Board of Education
Santa Monica-Malibu Unified School District

SECRETARY'S CERTIFICATE

I, _____, Secretary to the Board of Education of the Santa Monica-Malibu Unified School District, hereby certify as follows:

The foregoing is a full, true and correct copy of a Resolution duly adopted at a regular meeting of the Board of Education of said District duly and legally held at the regular meeting place thereof on November 15, 2012, of which meeting all of the members of the Board of said District had due notice and at which a quorum was present.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original Resolution adopted at said meeting and entered in said minutes.

Said Resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: _____, 2012

Secretary

(Form of Refunding Bond)

REGISTERED
NO.

REGISTERED
\$

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
(LOS ANGELES COUNTY, CALIFORNIA)
2012 GENERAL OBLIGATION REFUNDING BONDS

<u>INTEREST RATE:</u>	<u>MATURITY DATE:</u>	<u>DATED AS OF:</u>	<u>CUSIP</u>
____% per annum	August 1, ____	_____, 2013	_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The Santa Monica-Malibu Unified School District (the "District") in Los Angeles County, California, for value received, promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount on the Maturity Date, each as stated above, and interest thereon until the Principal Amount is paid or provided for at the Interest Rate stated above, on February 1 and August 1 of each year (the "Bond Payment Dates"), commencing February 1, 2013. This bond will bear interest from the Bond Payment Date next preceding the date of authentication hereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to the Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before January 15, 2013, in which event it shall bear interest from the Date of Delivery. Interest on this bond shall be computed on the basis of a 360-day year of twelve 30-day months. Principal and interest are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered (the "Registered Owner") on the Register maintained by U.S. Bank National Association, as agent of the Treasurer-Tax Collector of Los Angeles County, as Paying Agent. Principal is payable upon presentation and surrender of this bond at the designated office of the Paying Agent. Interest is payable by check mailed by the Paying Agent on each Bond Payment Date to the Registered Owner of this bond (or one or more predecessor bonds) as shown and at the address appearing on the bond register maintained by the Paying Agent at the close of business on the 15th day of the calendar month next preceding that Bond Payment Date (the "Record Date"). The Owner of Refunding Bonds in the aggregate principal amount of \$1,000,000 or more may request in writing to the Paying Agent that the Owner be paid interest by wire transfer to the bank and account number on file with the Paying Agent as of the Record Date.

This bond is one of an authorization of bonds issued by the District pursuant to California Government Code Section 53550 *et seq.* (the "Act") for the purpose of refunding certain of the District's outstanding Election of 2006 General Obligation Bonds, Series A, and to pay all necessary legal, financial, and contingent costs in connection therewith. The bonds are being issued under authority of and pursuant to the Act, the laws of the State of California, and the resolution of the Board of Education of the District adopted on November 15, 2012 (the "Bond Resolution"). This bond and the issue of which this bond is one are general obligation bonds of the District payable as to both Principal and interest solely from the proceeds of the levy of *ad valorem* taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount.

The bonds of this issue comprise \$_____ Principal amount of Current Interest Bonds, of which this bond is a part (each a "Refunding Bond").

This bond is exchangeable and transferable for bonds of like tenor, maturity and Transfer Amount (as defined in the Bond Resolution) and in authorized denominations at the designated office of the Paying Agent by the Registered Owner or by a person legally empowered to do so, upon presentation and surrender hereof to the Paying Agent, together with a request for exchange or an assignment signed by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Paying Agent, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Paying Agent may deem and treat the Registered Owner as the absolute owner of this bond for the purpose of receiving payment of or on account of principal or interest and for all other purposes, and neither the District nor the Paying Agent shall be affected by any notice to the contrary.

Neither the District nor the Paying Agent will be required (a) to issue or transfer any bond during a period beginning with the opening of business on the 16th business day next preceding either any Bond Payment Date or any date of selection of bonds to be redeemed and ending with the close of business on the Bond Payment Date or day on which the applicable notice of redemption is given or (b) to transfer any bond which has been selected or called for redemption in whole or in part.

The Refunding Bonds maturing on or before August 1, 20__ are not subject to redemption prior to their fixed maturity dates. The Refunding Bonds maturing on or after August 1, 20__ are subject to redemption on or after August 1, 20__ or on any date thereafter at the option of the District as a whole or in part at a redemption price equal to the principal amount of the Refunding Bonds called for redemption, plus interest accrued thereon to the date fixed for redemption, without premium.

The Refunding Bonds maturing on August 1, 20__ are subject to mandatory sinking fund redemption from moneys in the Debt Service Fund on August 1 of each year on and after August 1, 20__, at a redemption price equal to the principal amount thereof, together with accrued interest to the date fixed for redemption, without premium. The principal amounts represented by such Refunding Bonds to be so redeemed and the dates therefore and the final payment date is as indicated in the following table:

Redemption Dates

Principal Amounts

TOTAL

\$

The principal amount to be redeemed in each year shown above will be reduced proportionately or as otherwise directed by the District, in integral multiples of \$5,000, by any portion of the Refunding Term Bond optionally redeemed prior to the mandatory sinking fund redemption date.

If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portions of bonds of such maturity to be redeemed shall be selected by lot by the Paying Agent as directed by the District such manner as the District in its discretion may determine, and if not so directed, then by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof. If less than all of the bonds stated to mature on different dates shall be called for redemption, the particular bonds or portions thereof to be redeemed

shall be called by the Paying Agent as directed by the District or, if not so directed, in the inverse order of maturity.

Reference is made to the Bond Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the bonds of this series, the rights, duties and obligations of the District, the Paying Agent and the Registered Owners, and the terms and conditions upon which the bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the bonds in order to make them legal, valid and binding general obligations of the District, have been performed and have been met in regular and due form as required by law; that payment in full for the bonds has been received; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the bonds; and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay Principal and interest when due.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.

[REMAINDER OF PAGE LEFT BLANK]

IN WITNESS WHEREOF, the Santa Monica-Malibu Unified School District, has caused this bond to be executed on behalf of the District and in their official capacities by the manual or facsimile signatures of the President of the Board of Education of the District, and to be countersigned by the manual or facsimile signature of the Secretary of the Board of Education, all as of the date stated above.

SANTA MONICA-MALIBU UNIFIED SCHOOL
DISTRICT

By: _____ (Facsimile Signature)
President, Board of Education

COUNTERSIGNED:

(Facsimile Signature)
Secretary, Board of Education

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on _____, 2012.

U.S. BANK NATIONAL ASSOCIATION, as agent of
the Treasurer-Tax Collector of Los Angeles County,
Paying Agent

By: _____
Authorized Officer

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and zip code of Transferee): _____ this bond and irrevocably constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the within bond in every particular, without alteration or any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: _____

Unless this bond is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any bond issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

By: _____ (Facsimile Signature)
Secretary to Board of Education

(Form of Legal Opinion)

TO: BOARD OF EDUCATION

ACTION/MAJOR

11/15/12

FROM: SANDRA LYON / JANECE L. MAEZ / PAT HO

RE: 2012-13 BUDGET REVISIONS

RECOMMENDATION NO. A.25

It is recommended that the Board of Education approve the following budget transfers, as described on the following pages, for these below-listed Funds. These routine paper transfers are intended to accomplish the formal/final shifting to recognize the accounting of previously-approved activities prior to the 1st Interim Report.

Fund 01	-	General Fund (Unrestricted & Restricted)
Fund 11	-	Adult Education Fund
Fund 12	-	Child Development Fund
Fund 13	-	Cafeteria Fund
Fund 14	-	Deferred Maintenance Fund
Fund 21.0	-	Building Fund /Measure BB Series A
Fund 21.1	-	Building Fund /Measure BB Series B
Fund 21.2	-	Building Fund /Measure BB Series C
Fund 40	-	Special Reserve Fund for Capital Outlay Projects

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

Fund: 01 General Fund				
		Adopted Budget as of 7/1/12	Revised Budget as of 10/31/12	Changes
Object	Description			
	Beginning Fund Balance	20,542,710	20,542,710	
8011-8099	Revenue Limit	59,196,698	59,103,517	(93,181)
8100-8299	Federal Revenue	4,663,983	4,761,204	97,221
8300-8590	State Revenue	9,667,383	10,098,050	430,667
8600-8799	Local Revenue	36,537,721	39,517,040	2,979,319
	Total Revenue	110,065,785	113,479,811	3,414,026
1000-1999	Certificated Salaries	53,224,889	54,105,268	880,379
2000-2999	Classified Salaries	21,441,659	22,540,264	1,098,605
3000-3999	Employee Benefits	26,053,490	25,986,558	(66,932)
4000-4999	Books and Supplies	2,394,485	3,641,501	1,247,016
5000-5999	Services and Other Operating Costs	12,742,958	13,828,964	1,086,006
6000-6999	Capital Outlay	128,730	228,150	99,420
7100-7299	Other Outgo	7,000	7,000	
7300-7399	Indirect Costs	(604,255)	(591,127)	13,128
	Total Expenditures	115,388,956	119,746,578	4,357,622
	Increase /(Decrease) Fund Balance	(5,323,171)	(6,266,767)	(943,596)
	Projected Fund Balance	15,219,539	14,275,943	
Major Changes				
Revenues:				
\$ 322,235	Mandated Block Grant	\$ (93,181)	ADA decreased in 2011-12.	
\$ 113,828	Title I, carryover from 2011-12	\$ (39,108)	Title III (ELD & IMMIRGANT)	
\$ 140,562	Lottery Instructional Materials	\$ (32,130)	K-3 CSR (Class Size Reduction)	
\$2,020,155	PTA Contributions			
\$ 959,164	increase in other local revenues (Gifts/Equity/Interest)			
Expenditures:				
\$ 880,379	Increase in Certificated Salaries			
	Increase 7.456 FTE Teaching Positions funded by Unrestricted General Fund			
	Increase 2.122 FTE Teaching Positions funded by Title I & EIA programs			
	Increase 4.344 FTE Teaching Positions funded by PTA			
\$1,098,605	increase in Classified Salaries			
	Increase 22.235 FTE Instruction Aides funded by PTA			
\$ (66,934)	decrease in Employee Benefits			
\$1,247,856 increase in Books and Supplies to reflect the carryover and new funds				
\$1,085,166 increase in Services and Other Operating Costs to reflect new funds & Carryover				
	\$717,573 increase in Local Programs (PTA, Permit, Gifts..)			
	\$478,000 increase in Special Ed program			
\$ 99,420 increase in Capital Outlay				
\$24,825	Projector and two copiers for McKinley			
\$70,241	HP Hardware /Rollover Purchase order from prior year			

Fund: 11	Adult Education Fund			
		Adopted	Revised	
		Budget	Budget	
Object	Description	as of 7/1/12	as of 10/31/12	Changes
	Beginning Fund Balance	315,808	315,808	
8100-8299	Federal Revenue	60,040	66,980	6,940
8300-8590	State Revenue	267,988	267,988	-
8600-8799	Local Revenue	67,606	67,606	-
	Total Revenues	395,634	402,574	6,940
1000-1999	Certificated Salaries	199,093	204,257	5,164
2000-2999	Classified Salaries	92,386	92,386	-
3000-3999	Employee Benefits	74,459	74,558	99
4000-4999	Books and Supplies	19,519	19,914	395
5000-5999	Services and Other Operating Costs	18,071	23,353	5,282
	Total Expenditures	403,528	414,468	10,940
	Increase /(Decrease) Fund Balance	(7,894)	(11,894)	(4,000)
	Projected Fund Balance	307,914	303,914	
	Major Changes			
	Revenues:			
\$6,940 increase in Federal Workforce Investment Act, Title II: Adult Education programs				
	Expenditures:			
\$ 5,164 increase in hourly teaching position to reflect the decrease of revenue				
\$ 4,000 increase of GED Testing Services				

Fund: 12	Child Development Fund			
		Adopted	Revised	
		Budget	Budget	
Object	Description	as of 7/1/12	as of 10/31/12	Changes
	Beginning Fund Balance	41,298	41,298	
8100-8299	Federal Revenue	2,569,310	2,267,220	(302,090)
8300-8590	State Revenue	2,573,781	2,595,313	21,532
8600-8799	Local Revenue	3,564,331	3,669,361	105,030
	Total Revenues	8,707,422	8,531,894	(175,528)
1000-1999	Certificated Salaries	2,659,427	2,493,170	(166,257)
2000-2999	Classified Salaries	2,646,200	2,534,851	(111,349)
3000-3999	Employee Benefits	2,096,838	2,024,477	(72,361)
4000-4999	Books and Supplies	211,378	239,422	28,044
5000-5999	Services and Other Operating Costs	637,845	780,504	142,659
6000-6999	Capital Outlay	-	3,736	3,736
7300-7399	Indirect Costs	455,734	455,734	-
	Total Expenditures	8,707,422	8,531,894	(175,528)
	Increase /(Decrease) Fund Balance	-	-	-
	Projected Fund Balance	41,298	41,298	
Major Changes:				
Revenues:				
\$ (302,090)	decrease in Head Start Programs			
\$ 21,532	increase in faci			
\$ 105,030	increase in parent fees			
Expenditures:				
Decrease in Head Start expenditure budget to reflect the decrease of revenue.				

Fund: 13 Cafeteria Fund				
		Adopted Budget as of 7/1/12	Revised Budget as of 10/31/12	Changes
	Beginning Fund Balance	296,317	296,317	
8100-8299	Federal Revenue	1,350,000	1,350,000	-
8300-8590	State Revenue	100,000	100,000	-
8600-8799	Local Revenue	1,691,850	1,693,850	2,000
	Total Revenues	3,141,850	3,143,850	2,000
2000-2999	Classified Salaries	1,381,532	1,397,102	15,570
3000-3999	Employee Benefits	540,711	533,675	(7,036)
4000-4999	Books and Supplies	1,542,500	1,539,900	(2,600)
5000-5999	Services and Other Operating Costs	(446,750)	(432,950)	13,800
6000-6999	Capital Outlay	1,000	15,980	14,980
7300-7399	Indirect Costs	148,521	135,393	(13,128)
	Total Expenditures	3,167,514	3,189,100	21,586
	Increase /(Decrease) Fund Balance	(25,664)	(45,250)	(19,586)
	Projected Fund Balance	270,653	251,067	
Major Changes:				
Expenditures:				
\$ 15,570	increase in classified salaries reflect the temporary increase FTE			
\$ (7,036)	decrease in employee benefits			
\$ 13,800	increase for Independent Contractor, repair and maintenance agreement			
\$ 14,980	purchase of Hot/Cold Serving Counter for Malibu High Cafeteria			

Fund: 14 Deferred Maintenance Fund				
		Adopted Budget as of 7/1/12	Revised Budget as of 10/31/12	Changes
	Beginning Fund Balance	482,843	482,843	
8600-8799	Local Revenue	3,000	3,000	-
	Total Revenues	3,000	3,000	-
4000-4999	Books and Supplies	-	-	-
5000-5999	Services and Other Operating Costs	150,000	174,500	24,500
6000-6999	Capital Outlay	100,000	75,500	(24,500)
	Total Expenditures	250,000	250,000	-
	Increase /(Decrease) Fund Balance	(247,000)	(247,000)	-
	Projected Fund Balance	235,843	235,843	

Fund: 21.0 Building Fund /Measure "BB" Series A				
		Adopted Budget as of 7/1/12	Revised Budget as of 10/31/12	Changes
	Beginning Fund Balance	11,665,331	11,665,331	
8600-8799	Local Revenue	100,000	100,000	-
	Total Revenues	100,000	100,000	-
2000-2999	Classified Salaries	330,637	377,074	46,437
3000-3999	Employee Benefits	149,021	170,492	21,471
4000-4999	Books and Supplies	12,550	20,450	7,900
5000-5999	Services and Other Operating Costs	1,796,300	3,088,500	1,292,200
6000-6999	Capital Outlay	1,581,800	1,850,620	268,820
	Total Expenditures	3,870,308	5,507,136	1,636,828
	Increase /(Decrease) Fund Balance	(3,770,308)	(5,407,136)	(1,636,828)
	Projected Fund Balance	7,895,023	6,258,195	

Transfer \$75,908 expenditures from CCJUP project (Fund 40).

Fund: 21.1 Building Fund /Measure "BB" Series B				
		Adopted Budget as of 7/1/12	Revised Budget as of 10/31/12	Changes
	Beginning Fund Balance	40,545,702	40,545,702	
8600-8799	Local Revenue	500,000	500,000	-
	Total Revenues	500,000	500,000	-
4000-4999	Books and Supplies	17,000	22,500	5,500
5000-5999	Services and Other Operating Costs	6,037,860	6,410,860	373,000
6000-6999	Capital Outlay	16,075,100	16,075,100	-
	Total Expenditures	22,129,960	22,508,460	378,500
	Increase /(Decrease) Fund Balance	(21,629,960)	(22,008,460)	(378,500)
	Projected Fund Balance	18,915,742	18,537,242	

Fund: 21.2 Building Fund / Measure "BB" Series C				
		Adopted Budget as of 7/1/12	Revised Budget as of 10/31/12	Changes
	Beginning Fund Balance	36,793,306	36,793,306	
8600-8799	Local Revenue	500,000	500,000	-
8980-8999	Bond Proceeds	-	-	-
	Total Revenues	500,000	500,000	-
4000-4999	Books and Supplies	18,100	35,200	17,100
5000-5999	Services and Other Operating Costs	4,811,660	7,665,120	2,853,460
6000-6999	Capital Outlay	15,400,000	27,028,000	11,628,000
	Total Expenditure	20,229,760	34,728,320	14,498,560
	Increase /(Decrease) Fund Balance	(19,729,760)	(34,228,320)	(14,498,560)
	Projected Fund Balance	17,063,546	2,564,986	(14,498,560)

Fund: 40	Special Reserve Fund for Capital Outlay Project			
		Adopted	Revised	
		Budget	Budget	
Object	Description	as of 7/1/12	as of 10/31/12	Changes
	Beginning Fund Balance	6,462,841	6,462,841	
8600-8799	Local Revenue	6,142,605	6,141,605	(1,000)
	Total Revenues	6,142,605	6,141,605	(1,000)
2000-2999	Classified Salaries	46,437	-	(46,437)
3000-3999	Employee Benefits	21,471	-	(21,471)
4000-4999	Supplies	8,000	5,000	(3,000)
5000-5999	Services and Other Operating Costs	749,000	745,000	(4,000)
6000-6999	Capital Outlay	4,111,000	4,110,000	(1,000)
7400-7499	COPS Payments	1,451,749	1,451,749	-
7600-7699	Transfer to Fund 01	-	-	-
	Total Expenditures	6,387,657	6,311,749	(75,908)
	Increase /(Decrease) Fund Balance	(245,052)	(170,144)	74,908
	Projected Fund Balance	6,217,789	6,292,697	
Major Changes:				
Expenditure:				
Transfer all (\$75,908) CCJUP program budget to BB Program.				

TO: BOARD OF EDUCATION

ACTION/MAJOR

11/15/12

FROM: SANDRA LYON

RE: NOMINATION FOR CSBA DELEGATE ASSEMBLY

RECOMMENDATION NO. A.26

It is recommended that the Board of Education nominate, if it so chooses, a board member to run for the CSBA Delegate Assembly (Region 24). There are six seats up for re-election in Region 24, of which SMMUSD is a part.

COMMENT: CSBA's Delegate Assembly is a vital link in the association's governance structure. Working with local districts, county offices, the Board of Directors and Executive Committee, Delegates ensure that the association reflects the interests of school districts and county offices of education throughout the state. Nomination and candidate biographical sketch forms for CSBA's Delegate Assembly are now being accepted until January 7, 2013. Any CSBA member board is eligible to nominate board members within their geographical region or subregion. Each board may nominate as many individuals as it chooses by using the nomination form or submitting a letter of nomination.

- Any CSBA member board is eligible to nominate board members within their geographical region or subregion.
- Boards may nominate as many individuals as it chooses by using the nomination form or submitting a letter of nomination.
- Approval from nominee of nomination to CSBA's Delegate Assembly.
- All nominees must submit a one-page, single-sided, candidate biographical sketch form and an optional one-page, one-sided résumé, (résumé cannot be substituted for the candidate biographical sketch form).
- All nomination materials must be postmarked no later than **Monday, January 7**. Faxes are also acceptable, but they must be received by January 7.
- Delegates serve two-year terms; beginning April 1, 2013 through March 31, 2015
- There are two required Delegate Assembly meetings each year, one in May in Sacramento and one preceding the CSBA Annual Education Conference and Trade show in November/December.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

Roles and Responsibilities of Delegates

Delegates set the general policy direction and fulfill a critical governance role within the association. They communicate the interests of local boards to CSBA's Board of Directors, Executive Committee and staff. Delegates give policy and legislative direction through the adoption of CSBA's Policy Platform every two years and the adoption of other policy statements as needed. They also speak on issues and provide direct advocacy on behalf of the association.

Delegates play an important communications and support role within their region. They also elect the association's officers and Board of Directors. The authority and primary duties of Delegates are contained in the CSBA Bylaws.

Delegates' Roles and Responsibilities

Primary responsibilities of Delegates include:

- providing a link to other public officials at the local, state and national levels;
- providing a communications link between local board members and the regional Director;
- attending all Delegate Assembly meetings;
- adopting the Policy Platform which guides the association's policy and political leadership activities;
- as needed, adopting policies and positions to supplement CSBA's Policy Platform;
- providing testimony and input on critical issues;
- electing the officers, Board of Directors and Nominating Committee members;
- adopting the association's bylaws;
- serving on committees, task forces and focus groups; and
- supporting the association's activities and events.



2013 Delegate Assembly Nomination Form

Due: Monday, January 7, 2013 (U.S. Postmark or fax – 916.669.3305 or 916.371.3407)

CSBA Region/subregion # ____/____

The Board of Education of the _____
(Nominating School District or COE)

wishes to nominate _____
(Nominee)

The nominee is a member of the _____ ,
(Nominee's School District or COE)

which is a member of the California School Boards Association.

- ☐ The nominee has consented to this nomination.
- ☐ Attached is the nominee's required one-page, single-sided candidate biographical sketch form and optional one-page, single-sided résumé.
- ☐ The nominee's required one-page, single-sided candidate biographical sketch form and optional one-page, single-sided résumé will be sent by the deadline date.

Board Clerk or Board Secretary (signed) Date

Board Clerk or Board Secretary (printed)

PLEASE NOTE: The nomination and candidate biographical sketch forms must be faxed or U.S. postmarked no later than **Monday, January 7, 2013**. **Forms postmarked or faxed after January 7 cannot be accepted.** Please contact Charlyn Tuter at (800) 266-3382 should you have any questions.

Return nomination to:

California School Boards Association | 3100 Beacon Blvd., P.O. Box 1660 | West Sacramento, CA 95691-1660
(916) 371-4691 (800) 266-3382 | Fax: (916) 371-3407 or (916) 669-3305 | www.csba.org