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10 Riversiders Against Increased Taxes

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF RIVERSIDE — HISTORIC COURTHOUSE
14
15

16 **Riversiders Against Increased Taxes,**

17 Plaintiff,

18 vs.

19 **Riverside Unified School District,**

20 Renee Hill, and

21 DOES 1 through 25, inclusive,

22 Defendants.

Case No.: **CVRI 2303571**

Verified Complaint for Injunctive Relief;

Petition for Writ of Mandate

[School Bond Waste Prevention Act,
Ed. Code § 15284]

Priority Required:

Ed. Code § 15284(b)

1 Plaintiff alleges as follows:

2 1. This lawsuit is a School Bond Waste Prevention action and is brought in the public
3 interest to prevent the Riverside Unified School District's (RUSD) continued waste of proceeds
4 from a 2016 bond measure, Measure O, which voters approved to repair and improve RUSD
5 schools. More specifically, **RUSD threatens to spend more than \$115 million for unlawful**
6 **purposes.** The Court should prevent that waste by enjoining the unlawful expenditures described
7 herein.

8 **PARTIES**

9 2. Plaintiff **Riversiders Against Increased Taxes (RAIT)** is an unincorporated association
10 having its principal place of business in the City of Riverside. RAIT's membership includes
11 individual residents and taxpayers who live within RUSD's boundaries and have, within the last
12 year, paid income taxes to the State of California that are used to fund RUSD's operations.
13 RAIT's members have also, within the past year, paid sales and use taxes and property taxes
14 within RUSD's boundaries. More specific to Measure O, RUSD members have been assessed,
15 are liable to pay, and have paid the increased property tax it imposed.

16 3. More broadly, RAIT's mission is to help improve the quality of life for Riverside
17 residents by advocating for a transparent and responsible government that operates within its
18 means without the waste and poor planning that often precipitates the need for tax increases.
19 Along these lines, RAIT's members are interested in ensuring that RUSD acts within the limits
20 of the law and are working to ensure that violations are properly enforced for the benefit of
21 themselves and everyone in the community.

22 4. RAIT has association/membership standing to bring this suit on behalf of its members.
23 (*Taxpayers for Accountable School Bond Spending v. San Diego Unified School District* (2013) 215
24 Cal.App.4th 1013, 1032.)

25 5. Defendant **Riverside Unified School District (RUSD)** is a political subdivision of the
26 state. RUSD provides a public K-12 education for children within its boundaries.
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1 6. Defendant **Renee Hill** is RUSD’s Superintendent and is sued in that official capacity. She
2 is separately named as contemplated by section 15284 of the Education Code, which allows suits
3 “against any officer, agent, or other person acting on behalf of” a school district to enjoin
4 unlawful expenditures of Proposition 39 bond proceeds. As RUSD’s top administrator, Hill is the
5 type of agent or other person acting on behalf of the district that section 15284 contemplates.

6 7. The true names of Defendant DOES 1 through 25, inclusive, are unknown to Plaintiff,
7 who therefore brings this action against DOES 1 through 25, inclusive, by such fictitious names
8 and will seek leave of this Complaint to show their true names, identities, and capacities when
9 they have been ascertained.

10 JURISDICTION AND VENUE

11 8. The Riverside County Superior Court is the proper venue because the acts complained of
12 which are the subject of this Complaint, have all occurred or will all occur in the County of
13 Riverside, State of California.

14 9. Indeed, RUSD is a government entity that is wholly located within the boundaries of
15 Riverside County.

16 10. The relief sought is within the jurisdiction of this Court.

17 FACTS COMMON TO ALL CAUSES OF ACTION

18 1. In 1978, Proposition 13 established an upper limit on property taxes throughout California
19 unless increases were approved by a two-thirds vote of the people. (See Cal. Const., art. XIII A,
20 § 1; *Amador Valley Joint Union High School Dist. v. State Bd. of Equalization* (1978) 22 Cal.3d 208,
21 218.)

22 2. In November 2000, Proposition 39—the “Smaller Classes, Safer Schools, and Financial
23 Accountability Act”—reduced the approval threshold to 55 percent to make it easier to authorize
24 bond measures in school districts but only when certain conditions are met. (*Com. for Responsible*
25 *School Expansion v. Hermosa Beach City School Dist.* (2006) 142 Cal.App.4th 1178, 1184–1185.)

26 3. Relevant here, Proposition 39 limits the way the proceeds from certain bonds may be
27 used. (Cal. Const., art. XIII A, § 1(b)(3)(A).) Those purposes are limited to a specific list of
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1 projects that is identified in the bond measure itself as projects that will be funded by the
2 approved bond proceeds. (Cal. Const., art. XIII A, § 1(b)(3)(B); see also *Taxpayers for Accountable*
3 *School Bond Spending v. San Diego Unified School District* (2013) 215 Cal.App.4th 1013.)
4 Furthermore, when creating that project list, a school district’s board of trustees must certify that
5 it “has evaluated safety, class size reduction, and information technology needs in developing
6 that list.” (Cal. Const., art. XIII A, § 1(b)(3)(B).)

7 4. On June 20, 2016, the RUSD Board of Trustees adopted a resolution to place a \$392
8 million bond measure on the November 2016 general election ballot. A true and correct copy of
9 that resolution, which included the resolution’s full text and authorized project list, is attached as
10 **Exhibit A** to this Complaint.¹

11 5. The bond measure was later identified as Measure O, and it was approved by more than
12 55 percent of RUSD voters.

13 6. As required for Proposition 39 bonds, Measure O included a project list. Its project list is
14 the list of projects that the RUSD Board certified as necessary when it “evaluated the District’s
15 urgent and critical facility needs, including safety issues, class size, computer and information
16 technology, enrollment trends and [then] prepared a Facilities Master Plan (approved by the
17 Board on February 1, 2016) which is incorporated [into Measure O] in its entirety”. (Ex. A.) This
18 is the process by which the RUSD Board developed the scope of projects to be funded and new
19 school construction was not among them. (Ex. A.)
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21 7. RUSD did not include new school construction in Measure O or the February 1, 2016
22 Facilities Mater Plan incorporated into Measure O. Therefore, the RUSD Board did not certify
23 that new schools were among its urgent and critical facility needs based upon “safety, class size
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25 ¹ Exhibit A was obtained from the RUSD website at:
26 [https://www.riversideunified.org/departments/operations_division/planning_development/](https://www.riversideunified.org/departments/operations_division/planning_development/measure_o)
27 [measure_o](https://cdnsm5-ss12.sharpschool.com/UserFiles/Servers/Server_580721/Image/Measure%20O%20Projects%20Progress/GO%20Bond%20-%20Full%20Language%20and%20Resolution.pdf). On the left side of that page, there is a link to the “Project List.” That link leads to
28 https://cdnsm5-ss12.sharpschool.com/UserFiles/Servers/Server_580721/Image/Measure%20O%20Projects%20Progress/GO%20Bond%20-%20Full%20Language%20and%20Resolution.pdf, which is Exhibit A.
Highlighting in Exhibit A was included in the document provided by RUSD at this location.

1 reduction, and information technology needs,” as Proposition 39 requires. (Cal. Const., art. XIII
2 A, § 1(b)(3)(B).)

3 8. In this lawsuit, Plaintiff challenges specific Measure O expenditures relating to new
4 school construction. Building those new schools cannot be done with Measure O funds because
5 the building of those new schools was not on the approved project list and has not yet been
6 contemplated by voters as necessary. This is true even under the broadest interpretation of the
7 project list because there is no way to reasonably construe the project list as contemplating the
8 construction of any new schools, let alone each of those that are at issue in this case. (See *Foothill-*
9 *De Anza Community College District v. Emerich* (2008) 158 Cal.App.4th 11.)

10 9. Rather than contemplating new schools, RUSD’s Measure O project list included the
11 following categories of projects: (1) “Basic School Repair and Upgrade Projects,” (2) Safety,
12 Security and Energy Efficiency Projects,” and (3) District-Wide Instructional Technology
13 Projects.” (Ex. A.) Each of the more specific projects in these categories focused exclusively on
14 existing schools.

15 10. Communications made during the course of the campaign to approve Measure O
16 reinforce this. There was not one instance where communications from RUSD suggested that
17 funds would be used to build new schools. Moreover, third parties advocating for approval of the
18 bond measure—*e.g.*, the teacher’s union—did not tout new school construction as among
19 Measure O’s benefits.

20 11. Without this this Court’s intervention, two of the schools contemplated—the Casa
21 Blanca Neighborhood School and the Eastside Neighborhood School—would waste more than
22 \$115 million of Measure O funds, nearly 30 percent its total. If an expenditure this large had been
23 contemplated, it would have been expressly stated.

24 12. RUSD’s bait-and-switch—promising to repair existing schools then using funds
25 earmarked for that purpose for something else—deprives RUSD taxpayers and students of the
26 benefits they were promised.
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1 13. RUSD’s conduct seems deliberate. It is as if RUSD officials knew they wanted to build
2 new schools but were afraid that voters would not approve a bond measure for that purpose. So,
3 they concealed their real intent. That is the type of fraud upon voters that has spawned so much
4 litigation and numerous ballot measures (*e.g.*, Propositions 13, 218, 26, etc.).

5 14. This lawsuit is authorized by Education Code section 15284. This section allows taxpayer
6 suits “to obtain an order restraining and preventing any expenditure of funds received by a school
7 district ... through the sale of bonds authorized by” Proposition 39. (Cal. Const., art. XIII A,
8 § 1(b)(3). More specifically, Plaintiff alleges that the expenditures at issue in this case are for
9 purposes other than those Proposition 39 authorized, that those expenditures do not comply with
10 Proposition 39, and that the threatened and ongoing expenditures will produce waste and
11 great/irreparable injury.

12 15. Plaintiff’s rights under section 15284 are cumulative with other rights and remedies.
13 Those other rights and remedies include those authorized by sections 526a and 1085 of the Code
14 of Civil Procedure.

15 16. Plaintiff claims taxpayer standing under section 526a to enjoin and prevent the illegal
16 expenditure of Measure O funds. While section 526a is not appropriate to enjoin the sale of
17 bonds, Plaintiff does not seek an injunction for that purpose. Rather than challenge Measure O as
18 a whole, Plaintiff challenges the use of its restricted funds for unlawful purposes. This will
19 preserve RUSD’s ability to use Measure O funds for the purposes that voters expected when they
20 approved the new tax.

21 17. A writ of mandate under section 1085 is also an appropriate means of enjoining RUSD’s
22 constitutional violations. As a representative of RUSD taxpayers, Plaintiff and its members are
23 beneficially interested in ensuring that Measure O funds are used for their intended purpose.
24 They also claim public interest standing as an appropriate means of ensuring RUSD’s compliance
25 with controlling state law.
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CAUSES OF ACTION

A. FIRST CAUSE OF ACTION: Violation of Proposition 39 (Casa Blanca School)

18. Plaintiff realleges and incorporates paragraphs 1 through 17 by reference as if fully set forth herein.

19. The Casa Blanca Neighborhood School is a new elementary school proposed on a 9.8-acre site on Lincoln Street in Riverside. The project budget is \$53 million—more than 10 percent the total amount of Measure O funds—and is likely to increase, as is common for such projects. Even if the budget for this school increases, the amount of Measure O funds will not.

20. The Casa Blanca Neighborhood School was not included on the Measure O project list or the incorporated Facilities Master Plan.

21. Plaintiff is informed and believes that RUSD has already used Measure O funds for planning activities relating to this school and is close to seeking bids for projects relating to this school’s construction. Plaintiff is further informed and believes that RUSD hopes to start construction in Fall 2023 and intends on using Measure O funds to pay those costs. Indeed, in public documents, RUSD has described the school as a “Measure O New School” even though there is no such thing as a “Measure O New School.”

B. SECOND CAUSE OF ACTION: Violation of Proposition 39 (Eastside Neighborhood School)

22. Plaintiff realleges and incorporates paragraphs 1 through 17 by reference as if fully set forth herein.

23. The Eastside Neighborhood School is a new school being considered for a combination of several different lots. It is currently going through the CEQA process and is budgeted at \$62 million. This is more than 15 percent of Measure O’s total funds.

24. The Eastside Neighborhood School was not included on the Measure O project list or the incorporated Facilities Master Plan.

25. Plaintiff is informed and believes that RUSD has already used Measure O funds for planning activities relating to this school. Plaintiff is further informed and believes that RUSD

1 intends on using Measure O funds to pay the remainder of this school’s construction budget.
2 Indeed, in public documents, RUSD has described the school as a “Measure O New School”
3 even though there is no such thing as a “Measure O New School.”

4 **C. THIRD CAUSE OF ACTION:** Violation of Proposition 39 (Highgrove II Neighborhood
5 School)

6 26. Plaintiff realleges and incorporates paragraphs 1 through 17 by reference as if fully set
7 forth herein.

8 27. The Highgrove II Neighborhood School is a new school being considered in the Spring
9 Mt. Ranch development area. It is in the early stages of planning. Plaintiff is informed and
10 believes that RUSD is still soliciting bids for consultants to help prepare the plans for state
11 approval and subsequent CEQA analysis. The budget for this part of the project is approximately
12 \$1 million, but the rest of the project will certainly be many millions more.

13 28. The Highgrove II School was not included on the Measure O project list or the
14 incorporated Facilities Master Plan.

15 29. Plaintiff is informed and believes that RUSD has already used Measure O funds for
16 planning activities relating to this school and is close to seeking bids for additional work relating
17 to planning for this school. Plaintiff is further informed and believes that RUSD intends on using
18 Measure O funds to pay the remainder of this school’s construction budget. Indeed, in public
19 documents, RUSD has described the school as a “Measure O New School” even though there is
20 no such thing as a “Measure O New School.”

21 **D. FOURTH CAUSE OF ACTION:** Violation of Proposition 39 (STEM Education Center)

22 30. Plaintiff realleges and incorporates paragraphs 1 through 17 by reference as if fully set
23 forth herein.

24 31. Another new school proposal is the STEM Education Center,² a high school planned to
25 be built on the UC Riverside campus.
26

27 _____
28 ² STEM is a common acronym for specialized programs in Science, Technology, Engineering,
and Math.

1 32. This school is planned to accommodate up to 800 students and is currently in the
2 environmental review phase. Like the Highland II school, in the third cause of action (above), the
3 STEM Center is currently budgeted at \$1 million. But this will certainly grow, and the actual cost
4 will be many millions more.

5 33. Plaintiff is informed and believes that RUSD has already used Measure O funds for
6 planning activities relating to this school. Plaintiff is further informed and believes that RUSD
7 intends on using Measure O funds to pay the remainder of this school's construction budget.
8 Indeed, in public documents, RUSD has described the school as a "Measure O New School"
9 even though there is no such thing as a "Measure O New School."

10 34. While the Measure O project refers to a STEM center, the center it referred to was not a
11 new school. Moreover, references to any new STEM school in RUSD's Facilities Master Plan
12 were references to school that would be located at the District's existing STEM facility. Opening
13 a high school on a college campus, STEM or otherwise, is not something Measure O voters
14 anticipated.

15 35. Additionally, in the context of Measure O and the RUSD's plans, "center" and "school"
16 are different. Measure O voters reasonably expected a STEM "center" to be something less than
17 a school that would be available to all RUSD students on an occasional basis. The center would
18 reasonably supplement the educational opportunities of a broader range of students. Conversely,
19 a STEM school implies that RUSD might create a magnet school that would serve only those
20 lucky enough to gain admission to the exclusion and detriment of the District's other students.

21 36. The distinction between center and school is further relevant because it is demonstrative
22 of RUSD's continued attempt to misuse Measure O funds. By calling the proposed high school a
23 "center," the District is trying to retroactively change the scope of its project list. Because there
24 is a difference between a center and a school, the District's conduct should be recognized as
25 continued obfuscation of its plans to use Measure O funds for unauthorized purposes.

26 37. Furthermore, the goal for projects in this category includes helping students "that don't
27 plan to go to college to receive career training they need to compete for good paying jobs in fields
28

1 like health sciences, engineering, technology, robotics and skilled trades.” When voters
2 considered Measure O, they were told the STEM center would be a partnership with Riverside
3 Community College (RCC). This partnership with RCC suggested a focus on technical education
4 as well as programs for college-bound students. RCC is no longer involved in the project—if it
5 ever was—and this is another bait-and-switch where RUSD promised one thing but now plans to
6 deliver something entirely different.

7 38. The significance of RCC’s inclusion on the project list and subsequent exclusion from the
8 project cannot be overstated. Riverside is a blue-collar community that values technical
9 education. RCC is a local institution that serves this community. UCR might be located in
10 Riverside, but its ties to the community are comparatively weak because UCR serves the entire
11 region rather than the City of Riverside and the students RUSD serves. This is not to say that
12 RUSD should not partner with UCR. But if voters were promised a Measure O project in
13 partnership with RCC and that partnership does not happen, then funds for that project should
14 be used for another purpose, one that is Measure O-compliant.

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1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays that the Court order as follows:

- 3 1. Issue temporary, preliminary, and/or permanent injunction enjoining the expenditure of
4 Measure O bond proceeds for the unlawful purposes described herein;
- 5 2. Order that RUSD to provide an accounting of Measure O funds spent on these unlawful
6 purposes;
- 7 3. Order RUSD to refund from its general fund to its Measure O fund any Measure O funds
8 spent for these unlawful purposes;
- 9 4. Award Plaintiff its costs of suit and reasonable attorneys' fees; and
- 10 5. Grant such other and further relief as the Court deems proper.
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12 DATE: July 3, 2023

Respectfully Submitted,
LAW OFFICE OF CHAD D. MORGAN

13 
14 By: _____
15 Chad D. Morgan Esq.
16 Attorney for Plaintiff Riversiders Against
17 Increased Taxes
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**EXHIBIT
A**

RESOLUTION NO. 2015/16-56

RESOLUTION OF THE BOARD OF EDUCATION OF RIVERSIDE
UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Education (the "Board") is committed to maintaining the quality of education in Riverside public schools by upgrading aging classrooms, school buildings and infrastructure at all schools; and

WHEREAS, the Board has determined that schools within the Riverside Unified School District (the "District") need to be upgraded, repaired, expanded, improved and better equipped in a fiscally prudent manner and in accordance with the District's guiding principles of parity, maintenance and evolution to enable the District to improve student safety and campus security by installing security lighting, security cameras, emergency communications systems, smoke detectors and fire alarms; and

WHEREAS, the Board believes it is in the best interest of the District to continue to address facility improvements now before they become more pressing and more costly, and provide classrooms, labs and technology education classes so students are prepared for college and good-paying jobs in fields like health science, engineering, technology, robotics and the skilled trades; and

WHEREAS, whether or not Riverside residents have school-age children, protecting the quality of our schools, the quality of life in our community, and the value of our homes, is a wise investment; and

WHEREAS, the State of California (the "State") is not providing the District with enough money for the District to adequately maintain its educational facilities and academic programs; and

WHEREAS, the Board has concluded that the District's only remedy to avoid the undermining of its educational programs is securing local funding that the State cannot take away; and

WHEREAS, the Board has received information regarding the possibility of a local bond measure and its bonding capacity; and

WHEREAS, a local measure will help provide funds that cannot be taken away by the State to upgrade aging schools, protect student safety and help the District to qualify for millions of dollars of State matching funds; and

WHEREAS, such measure will include mandatory taxpayer protections, including an independent citizens' oversight committee and mandatory audits to ensure funds are spent as promised; and

WHEREAS, the Board and District has solicited stakeholder and community input on school priorities from parents, teachers, staff, the community and civic leaders; and

WHEREAS, Proposition 46, approved by the voters of the State on June 3, 1986 ("Proposition 46"), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision that exempts from the 1% of full cash value limitation, those *ad valorem* taxes used to pay for debt service on any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act (“Proposition 39”) which reduced the voter threshold for *ad valorem* tax levies used to pay for debt service on bonded indebtedness to 55% of the votes cast on a school district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the “Act”) became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain performance audits, standards of financial accountability and citizen oversight that are contained in Proposition 39 and the Act; and

WHEREAS, the Board desires to authorize the submission of a proposition to the District’s voters at an election to authorize the issuance of bonds to pay for certain necessary improvements and enhancements to District educational facilities; and

WHEREAS, the Board hereby determines that, in accordance with Opinion No. 04-110 of the Attorney General of the State of California, the restrictions in Proposition 39 which prohibit any bond money from being wasted or used for inappropriate administrative salaries or other operating expenses of the District shall be enforced strictly by the District’s Citizens’ Oversight Committee; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation, the Board has determined that, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the Proposition 39 limits per year per \$100,000 of assessed valuation of taxable property; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the “Elections Code”) requires that a tax rate statement be contained in all official materials relating to the election, including any ballot pamphlet prepared, sponsored, or distributed by the District; and

WHEREAS, the Board desires to authorize the filing of a tax rate statement and a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 8, 2016, and to request the Riverside County Registrar of Voters to perform certain election services for the District.

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

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506, hereby requests the Riverside County Registrar of Voters to conduct an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount of \$392,000,000 (the “Bonds”) shall be issued and sold for the purpose of raising money for the projects

described in Exhibits “A” and “B” hereto. Both exhibits are directed to be printed in the voter pamphlet.

Section 2. That the date of the election shall be November 8, 2016.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit “A,” incorporated by reference herein, and containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. In compliance with Proposition 39 policies of the Board and the Act, the ballot propositions in Exhibits “A” and “B” are subject to the following requirements and determinations:

(a) the proceeds of the sale of the Bonds shall be used only for the purposes set forth in the ballot measure and not for any other purpose, including teacher or administrator salaries or other school operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit “B,” evaluated the safety, class size reduction, classroom, educational and information technology needs of the District as well as the importance of the projects to improve student learning in core subjects like reading, math, science and technology;

(c) that the Board shall cause an annual, independent performance audit to be conducted to ensure that the Bond monies get spent only for the projects identified in Exhibit “B” hereto;

(d) that the Board shall cause an annual, independent financial audit of the proceeds from sale of Bonds to be conducted until all of the Bond proceeds have been expended;

(e) that the Board shall appoint a Citizens’ Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Education Code Section 15274; and

(f) that the tax levy authorized to secure the Bonds of this election shall not exceed the Proposition 39 limits per \$100,000 of taxable property in the District when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution.

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Education Code Section 5322.

Section 6. That the Riverside County Registrar of Voters and the Riverside County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2016 within the District. As provided in Elections Code Section 10403, the District acknowledges that the consolidation election will be conducted in the manner described in Elections Code Section 10418.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to the Riverside County Registrar of Voters no later than August 12, 2016.

Section 8. That Bonds may be issued pursuant to Education Code Section 15264 *et seq.* or Government Code Section 53506 of the Government Code. The maximum rate of interest on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531.

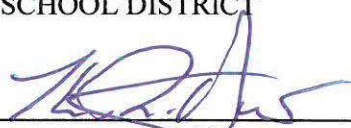
Section 9. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass of the returns of the election be made by any body or official authorized by law to canvass such returns, and that the Board consents to such consolidation. The Board further authorizes the submission of a tax rate statement and primary and rebuttal arguments, as appropriate, to be filed with the Riverside County Registrar of Voters by the established deadlines.

Section 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Riverside County is requested to permit the Registrar of Voters to render all services specified by Elections Code Section 10418 relating to the election, for which services the District agrees to reimburse Riverside County, such services to include the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Elections Code Section 9401) pursuant to the terms of Education Code Section 5363 and Elections Code Section 12112.

ADOPTED, SIGNED AND APPROVED this 20th day of June, 2016.

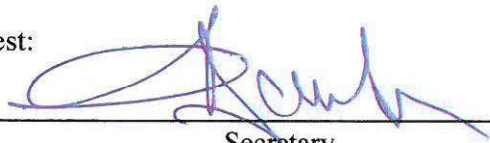
BOARD OF EDUCATION OF THE RIVERSIDE
UNIFIED SCHOOL DISTRICT

By _____



President

Attest:



Secretary

STATE OF CALIFORNIA)
)ss
RIVERSIDE COUNTY)

I, Dr. David Hansen, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2015/16-56, which was duly adopted by the Board of Education of the Riverside Unified School District at the meeting thereof held on the 20th day of June, 2016, and that it was so adopted by the following vote:

AYES: 5

NOES: ϕ

ABSENT: ϕ

ABSTENTIONS: ϕ

By  _____
Secretary

EXHIBIT A

“To repair and upgrade Riverside schools, including deteriorating roofs, plumbing and electrical systems, improve student safety, security, and seismic safety, upgrade classrooms, science labs, career-training facilities, computer systems and instructional technology to support student achievement in math, science, engineering and skilled trades, and **construct, acquire,** repair classrooms, **sites,** facilities and equipment, shall Riverside Unified School District issue \$392 million in bonds at legal rates, with citizen oversight, no money for administrator salaries, all money staying local?”

Bonds – Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION

OF THE RIVERSIDE UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 8, 2016

The following is the full proposition presented to the voters by the Riverside Unified School District.

“To repair and upgrade Riverside schools, including deteriorating roofs, plumbing and electrical systems, improve student safety, security, and seismic safety, upgrade classrooms, science labs, career-training facilities, computer systems and instructional technology to support student achievement in math, science, engineering and skilled trades, and construct, acquire, repair classrooms, sites, facilities and equipment, shall Riverside Unified School District issue \$392 million in bonds at legal rates, with citizen oversight, no money for administrator salaries, all money staying local?”

PROJECT LIST

The Board of Education of the Riverside Unified School District is committed to maintaining the quality of education in local schools with safe, secure, upgraded classrooms and labs for career and technology education to keep pace with 21st century technologies and learning standards. To that end, the Board evaluated the District’s urgent and critical facility needs, including safety issues, class size, computer and information technology, enrollment trends and prepared a Facilities Master Plan (approved by the Board on February 1, 2016) which is incorporated herein in its entirety, in developing the scope of projects to be funded. The District conducted a facilities evaluation and received public input in developing this Project List. Teachers, staff, community members and the Board have prioritized the key health and safety needs so that the most critical facility needs are addressed. **The Board concluded that protecting the quality of our schools, the quality of life in our community, and the value of our homes is a wise investment.** Therefore, in approving this Project List, the **Board of Education determines that the District must:**

- (i) **Upgrade or replace aging school infrastructure, classrooms and school buildings; and**
- (ii) **Modernize school facilities to improve access for students with disabilities; and**
- (iii) **Retrofit older buildings so they are earthquake safe; and**
- (iv) **Provide classroom and labs for career and technical education classes so students are prepared for college and good-paying jobs in fields like health science, engineering, technology, robotics, and the skilled trades; and**
- (v) **Update instructional technology in the classroom for improved student learning in core subjects like reading, math, science and technology; and**
- (vi) **Adhere to specific fiscal accountability safeguards such as:**
 - (a) **All expenditures must be subject to annual independent financial audits.**
 - (b) **No funds can be used for administrators’ salaries and pensions.**

- (c) **An independent citizens’ oversight committee must be appointed to ensure that all funds are spent only as authorized.**

The Project List includes the following types of upgrades and improvements at District schools and sites:

IMPROVING STUDENT LEARNING: Basic School Repair and Upgrade Projects

Goals and Purposes: Upgraded classrooms will ensure that students who plan to go to college are prepared to succeed, and those that don’t plan to go to college receive career training they need to compete for good paying jobs in fields like health sciences, engineering, technology, robotics and skilled trades.

Since many Riverside schools were built more than 40-years ago, they need basic repairs, including roofs, plumbing and electrical systems, and other projects, including:

- Upgrade and construct classrooms, science labs, career-training facilities and computer systems to keep pace with technology.
- **Repair or replace aging roofs, floors, plumbing and electrical systems where needed.**
- Repair or replace outdated classrooms and school buildings with safe, modern facilities.
- **Partner with U.C. Riverside and Riverside City College to build a Center for the Study of Advanced Science, Technology, Engineering and Math, that will give local high school students access to college-level instruction.**
- Expand and upgrade existing libraries to improve students’ research skills and preparation for college.
- **Build new classrooms and facilities to relieve overcrowding.**
- Upgrade or construct facilities for visual and performing arts.

IMPROVING SCHOOL SAFETY: Safety, Security and Energy Efficiency Projects

Goal and Purpose: **WHETHER OR NOT YOU HAVE SCHOOL-AGE CHILDREN, PROTECTING THE QUALITY OF OUR SCHOOLS, THE QUALITY OF LIFE IN OUR COMMUNITY, AND THE VALUE OF OUR HOMES IS A WISE INVESTMENT. This measure will upgrade security lighting, fencing, smoke detectors, fire alarms, sprinklers, and campus security systems for improved student safety. Schools will benefit from a variety of safety and efficiency projects, such as:**

Student Safety and Security

- Replace aging, outdated portables with modern classrooms that meet 21st century health, safety and academic standards.

- Upgrade fire alarm systems to automatic systems, repair fire safety equipment, add smoke detectors and fire safety doors to make students safe in the event of an emergency.
- Improve older schools so that they meet the same safety and academic standards as newer schools.
- Retrofit older school buildings so they are earthquake safe.
- **Modernize school facilities to improve access for students with disabilities.**
- **Improve student safety and campus security systems, including security, lighting, and security cameras and classroom door locks.**
- Upgrade emergency communication systems to improve student safety.

Energy Efficiency – Returning Savings to the Classroom

- Make energy and water efficiency improvements that will free-up money to retain highly qualified teachers and improve the quality of classroom instruction.

21st CENTURY LEARNING FOR 21st CENTURY CAREERS: District-Wide Instructional Technology Projects

Goal and Purpose: If we want our kids to succeed in college and careers, they must be skilled in the use of today’s technologies and have a solid background in math, science, engineering and technology. This measure will update instructional technology in the classroom for improved student learning in core subjects like reading, math, science and technology.

- Update instructional technology in the classroom for improved student learning in core subjects like reading, science, technology, engineering and math (STEM).
- Upgrade classrooms and labs for career and technical education classes and computer systems to keep pace with technology.
- Upgrade computer systems to keep pace with technology; upgrade and replace computers, classroom and library technology and teaching equipment to enhance instruction.

* * *

The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses and a customary contingency for unforeseen design and construction costs. In addition to the listed projects stated above, the Project List also includes the acquisition of a variety of instructional, maintenance and operational equipment, including the reduction or retirement of outstanding lease obligations and interim funding incurred to advance fund projects from the Project List; installation of signage and fencing; payment of the costs of preparation of all facility planning, facility studies, assessment reviews, facility master plan preparation and updates, environmental studies (including environmental investigation, remediation and monitoring), design and construction documentation, and temporary housing of dislocated District activities caused

by construction projects. In addition to the projects listed above, the repair and renovation of each of the existing school facilities may include, but not be limited to, some or all of the following: renovate student and staff restrooms; repair and replace heating and ventilation systems; upgrade of facilities for energy efficiencies; acquire vehicles; repair and replace worn-out and deteriorated roofs, windows, walls, doors and drinking fountains; construct District office and professional development center; install wiring and electrical systems to safely accommodate computers, technology and other electrical devices and needs; upgrade or construct support facilities, including administrative, physical education (including upgrading or adding gyms, stadiums and locker rooms) and performing arts buildings and maintenance facilities and yards; repair and replace fire alarms, emergency communications and security systems; resurface or replace hard courts, turf and irrigation systems and campus landscaping; expand parking and drop-off areas; acquire land; construct new schools; upgrade interior and exterior painting and floor covering; demolition; upgrade pools; upgrade central kitchen and school cafeterias; construct various forms of storage and support spaces and classrooms; repair, upgrade and install interior and exterior lighting systems; improve playgrounds, athletic fields and play apparatus; replace outdated security fences and security systems (including access control systems), provide indoor space for assemblies or for rainy day lunch; upgrade music labs, media centers, adult education facilities. The upgrading of technology infrastructure includes, but is not limited to, computers, LCD projectors, portable interface devices, servers, switches, routers, modules, sound projection systems, laser printers, digital white boards, document projectors, upgrade voice-over-IP, call manager and network security/firewall, wireless technology systems, refresh classroom technology and other miscellaneous equipment. The allocation of bond proceeds will be affected by the District's receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will aggressively pursue to reduce the District's share of the costs of the projects, the District will not be able to complete some of the projects listed above. The budget for each project is an estimate and may be affected by factors beyond the District's control. Some projects throughout the District, such as gyms, fields and performing arts facilities, may be undertaken as joint use projects in cooperation with other local public or non-profit agencies. The final cost of each project will be determined as plans and construction documents are finalized, construction bids are received, construction contracts are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses. Necessary site preparation/restoration may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to bond projects. Bond proceeds shall only be expended for the specific purposes identified herein. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

FISCAL ACCOUNTABILITY: IN ACCORDANCE WITH EDUCATION CODE SECTION 15272, THE BOARD OF EDUCATION WILL APPOINT A CITIZENS' OVERSIGHT COMMITTEE AND CONDUCT ANNUAL INDEPENDENT AUDITS TO ASSURE THAT FUNDS ARE SPENT ONLY ON DISTRICT PROJECTS AND FOR NO OTHER PURPOSE. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY,

AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

NO ADMINISTRATOR SALARIES: PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED BY THIS PROPOSITION SHALL BE USED ONLY FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, OR REPLACEMENT OF SCHOOL FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF SCHOOL FACILITIES, AND NOT FOR ANY OTHER PURPOSE, INCLUDING TEACHER AND SCHOOL ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES.

EXHIBIT C

TAX RATE STATEMENT CONCERNING MEASURE __

**TAX RATE STATEMENT
REGARDING PROPOSED
\$392,000,000
RIVERSIDE UNIFIED SCHOOL DISTRICT
GENERAL OBLIGATION BONDS**

An election will be held in Riverside Unified School District (the "District") on November 8, 2016 for the purpose of submitting to the electors of the District the question of issuing bonds of the District in the principal amount of \$392 million. If such bonds are authorized and sold, the principal thereof and interest thereon will be payable from the proceeds of taxes levied on the taxable property in the District. The following information regarding tax rates is given to comply with Section 9401 of the California Elections Code. This information is based upon the best estimates and projections presently available from official sources, upon experience within the District and other demonstrable factors.

Based upon the foregoing and projections of the assessed valuations of taxable property in the District, and assuming the entire debt service on the bonds will be paid through property taxation:

1. The best estimate from official sources of the tax rate that would be required to be levied to fund the bond issue during the first fiscal year after the first sale of the bonds, based on estimated assessed valuations available at the time of the filing of this statement, or on a projection based on experience within the District or other demonstrable factors, is \$0.059 per \$100 (\$59.00 per \$100,000) of assessed valuation of all property to be taxed for the year 2017-18.

2. The best estimate from official sources of the tax rate that would be required to be levied to fund the bond issue during the first fiscal year after the last sale of the bonds and an estimate of the year in which that rate will apply, based on estimated assessed valuations available at the time of the filing of this statement, or on a projection based on experience within the District or other demonstrable factors, is \$0.059 per \$100 (\$59.00 per \$100,000) of assessed valuation of all property to be taxed and the year 2025-26.

3. The best estimate from official sources of the highest tax rate that would be required to be levied to fund the bond issue and an estimate of the year in which that rate will apply, based on estimated assessed valuations available at the time of the filing of this statement, or on a projection based on experience within the District or other demonstrable factors, is \$0.059 per \$100 (\$59.00 per \$100,000) of assessed valuation of all property to be taxed, which is projected to be the same in every fiscal year that the bonds remain outstanding.

4. The best estimate from official sources of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold is \$705 million.

Attention of voters is directed to the fact that the foregoing information is based upon projections and estimates. The actual timing of sales of the bonds and the amount to be sold at

any time will be governed by the needs of the District and other factors. The actual interest rates at which the bonds will be sold, which will not exceed the maximum permitted by law, will depend upon the bond market at the time of sale. The actual assessed valuations in future years will depend upon the value of property within the District as determined in the assessment and the equalization process. Therefore, the actual tax rates and the years in which those tax rates will be applicable may vary from those presently estimated and stated above.



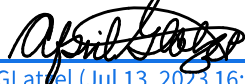
Superintendent
Riverside Unified School District

VERIFICATION

1 I, April Glatzel, declare that I am a member of Riversiders Against Increased Taxes, the
2 Plaintiff in this action, and am authorized to make this verification on its behalf. I have read the
3 foregoing **Verified Complaint for Injunctive Relief; Petition for Writ of Mandate** and know
4 the contents thereof to be true to my own knowledge, except as to those statements made upon
5 information and belief, and as to them, I believe them to be true.
6

7
8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Executed on Jul 13, 2023
11 _____.

12 
13 April Glatzel (Jul 13, 2023 16:17 PDT)
14 April Glatzel