

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

RESOLUTION NO. 2223-25

**RESOLUTION OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT
DESIGNATING CERTAIN AVAILABLE STATE REIMBURSEMENT
FUNDS DERIVATIVE OF PRIOR COMMUNITY FACILITIES
DISTRICT 87-1 OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT
PROJECTS TO CAPISTRANO VALLEY HIGH SCHOOL STADIUM
REPLACEMENT PROJECT**

WHEREAS, the Capistrano Unified School District (District) on or around April 20, 1987, established Community Facilities District No. 87-1 (CFD 87-1) pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982, as amended, for the purposes of financing certain designated school facility projects necessary to meet the increased school enrollment resulting from commercial and residential housing development within the Cities of Aliso Viejo and Mission Viejo; and

WHEREAS, CFD 87-1 had an original bond authorization of \$120,110,000, which was later reduced to \$100,110,000, of which all but \$45,000 was issued through CFD No. 87-1's Series 1989 Bonds and Series 1990 Bonds, which were later refunded (refinanced) by CFD No. 87-1's Series 1996A and 1996B Bonds; and

WHEREAS, CFD 87-1 funded projects, as contemplated within the CFD 87-1 formation proceedings, at multiple schools, including, but not limited to: Aliso Niguel High, Capistrano Valley High, Newhart Middle, Aliso Viejo Middle, Don Juan Avila Elementary and Middle, Canyon Vista Elementary, Foxborough Elementary, Oak Grove Elementary, Wood Canyon Elementary, Bathgate Elementary, and Hankey K-8, as well as a portion of the District administrative facilities; and

WHEREAS, in January 2014, the District's Board of Trustees (Board) agreed use retention funds transferred to the CFD 87-1 Special Reserve Fund to call for redemption the outstanding bonds of CFD No. 87-1 four years early in 2016, when such bonds became callable; and

WHEREAS, in August 2016, the special tax levy for CFD 87-1 was ended beginning that tax year, and the final payment of the Bonds of CFD No. 87-1 took place in September 2016; and

WHEREAS, CFD 87-1 retained approximately \$11 million of funds that was available for financing of authorized District facilities consistent with the authorized purposes of CFD 87-1; and

WHEREAS, the Board determined to use the \$11 million in residual funds, along with funds received from the Mission Viejo Redevelopment Agency (RDA), to complete capital projects at schools serving the CFD 87-1 areas, with such projects including a STEM classroom building at Aliso Niguel High School (ANHS Project) and a STEAM building at Newhart Middle School (NMS Project); and

WHEREAS, the Cities of Mission Viejo and Aliso Viejo, in meetings with the District, agreed with the ANHS and NMS Projects, with the ANHS Project to be funded with the funds remaining from CFD 87-1, and NMS Project to be funded with the RDA pass-through funds, with the reimbursed costs from the State from such projects to thereafter be used for a Capistrano Valley High School Stadium Replacement/Renovation Project (CVHS Stadium Project); and

WHEREAS, both the ANHS Project and NMS Project are eligible to be funded with State matching funds, in an amount estimated at approximately \$7.1 million (State Reimbursement Funds), which will be reimbursed to the District by the State when available; and

WHEREAS, when a school district uses local bond funds for project expenditures eligible for reimbursement under the Leroy F. Greene Act, and State School Bond funds are thereafter made available to reimburse the State's share of such expenditures, the reimbursed funds may be used towards: (1) retiring the local bonds; (2) towards uses otherwise permitted by the local bond; or (3) for any high priority capital outlay expenditure in the District; and

WHEREAS, all bonds, securities and contractual obligations of CFD No. 87-1 have matured, been fully redeemed and defeased and are no longer outstanding; and

WHEREAS, CFD No. 87-1 no longer levies special taxes; and

WHEREAS, all funds of CFD No. 87-1 have been allocated or utilized for authorized capital projects, resulting in other funds being available to finance capital projects to serve the needs of District students; and

WHEREAS, the Board has determined to utilize, and direct such utilization, of (1) the State Reimbursement Funds, when received, and (2) those portions of pass-through and related funds received by the District in connection with the RDA, over and above those amounts expended by the ANHS and NMS Projects, for the CVHS Stadium Project.

NOW, THEREFORE, THE BOARD DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct, and shall constitute findings of the Board.

Section 2. The Board hereby directs the use of the State Reimbursement Funds from the new buildings at ANHS Project and NMS Project, when received, as well available RDA pass-through funds, for the CVHS Stadium Project.

Section 3. The Board's determination and direction as set forth in this Resolution shall only serve as a mechanism to make funds available for the CVHS Stadium Project, and shall not serve as a formal approval of the physical construction of such project, as such approval shall only take place after the District has completed environmental review for such Project under the California Environmental Quality Act (CEQA).

Section 4. The District's Superintendent, Deputy Superintendent of Business and Support, or their designees, are authorized to take all steps, and perform all actions reasonably necessary to effectuate the purpose and intent of this Resolution, including, but not limited to, undertaking activities related to the design and/or environmental review of a potential CVHS Stadium Project.

Section 5. This Resolution shall take effect immediately on adoption.

PASSED AND ADOPTED by the Board of Trustees of the Capistrano Unified School District on October 19, 2022, by the following vote:

AYES	(5)	Bullockus, Davis, Hanacek, Jones, McNicholas
NOES	(0)	
ABSTAIN	(0)	
ABSENT	(1)	Cazellanos

I, Kirsten M. Vital Brulte, Secretary of the Capistrano Unified School District Board of Trustees, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at the meeting on October 19, 2022, by a roll call vote.

By: Martha McNicholas
Martha McNicholas
President of the Board of Trustees

By: KEB
Kirsten M. Vital Brulte, Superintendent
Secretary of the Board of Trustees