



FREMONT UNION HIGH SCHOOL DISTRICT

Cupertino High School | Fremont High School | Homestead High School | Lynbrook High School | Monta Vista High School | Adult & Community Ed

September 3, 2013

Hon. Brian C. Walsh
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, California 95113

FILED

SEP 11 2013

DAVID H. YAMASAKI
Chief Executive Officer/Clerk,
Superior Court of CA County of Santa Clara
BY STEPHANIE WALK

Dear Presiding Judge Walsh:

The Fremont Union High School District ("District") has reviewed the Santa Clara County Civil Grand Jury's Final Report, "Our School Districts Do Not Need Zeros," and provides the following response as directed by the Penal Code.

A. Grand Jury Finding 1

"CABs shift large, compounding interest costs to future taxpayers and will inevitably compound the burdens school districts face in operating effective schools for their students in the future."

District's Response: Disagree.

The District disagrees in part with the finding because it reaches an overly broad conclusion. Although CABs can indeed shift large, compounding interest costs to future taxpayers, they do not necessarily compound the burdens that school districts face in operating effective schools for students in the future.

One reason is that CABs typically comprise a relatively small and integrated part of a larger bond program. Our District received authority to issue up to \$198 million in general obligation bonds in June 2008. We indicated to voters at that time that we would use proceeds from the sale of these bonds to complete certain projects and that we estimated the tax rate impact on a cost per \$100,000 of assessed value basis. We issued bonds in three series, the second of which included \$16 million in capital appreciation bonds. The CABs allowed our District to take advantage of \$25 million in federally subsidized loans (we expect to ultimately receive more than \$13.5 million in federal subsidies on these bonds) and to structure a debt profile where tax rates will not exceed our target maximum and will decrease gradually over time.

That said, the District believes that the use of CABs could be better regulated and that there are benefits to the proposed statewide standards.

B. Grand Jury Recommendation 1

"Each school district in Santa Clara County should adopt a Board policy and any necessary administrative regulations indicating its intent to comply with the moratorium called for by the State Treasurer and the State Superintendent of Public Instruction."



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District's Response: The recommendation has been implemented, as follows:
Although the District currently does not have any bond authorization, given the call for a moratorium on issuance of CABs in light of potential legislative action on this topic and the Report's request that school districts in Santa Clara County implement this moratorium, the District's Board of Education has adopted the attached resolution indicating that it will implement the suggested Santa Clara County Superior Court Moratorium. While the Report suggested that the moratorium be imposed via Board policy, given the temporary nature of the moratorium, the District believed it was more appropriately implemented by way of Board resolution.

Board policy concerning the issuance of bonded indebtedness will be amended if necessary in 2014 once new laws have been enacted to address this issue.

Please feel free to contact me if you seek additional information or have any questions regarding this response.

Sincerely,

Polly Bove
Superintendent of Schools
Fremont Union High School District

Enclosure

FREMONT UNION HIGH SCHOOL DISTRICT

RESOLUTION NO. 1314-04

RESOLUTION OF THE GOVERNING BOARD OF THE
FREMONT UNION HIGH SCHOOL DISTRICT
IMPLEMENTING MORATORIUM ON THE ISSUANCE OF
CAPITAL APPRECIATION BONDS

WHEREAS, the voters of the Fremont Union High School District ("District") may authorize the District to issue various types of bonds, including Capital Appreciation Bonds ("CABs") to fund District facilities; and,

WHEREAS, CABs can be an appropriate and valuable tool for funding District facilities in certain scenarios; and,

WHEREAS, recent press reports have focused on the potentially ill-advised issuance of CABs by some school districts; and,

WHEREAS, the Legislature is currently considering Assembly Bill 182 (Buchanan) which may dictate when school districts may issue CABs; and,

WHEREAS, the State Controller and State Superintendent of Public Instruction have called for a moratorium on the issuance of CABs "until the Legislature and the Governor have completed their consideration of this year's proposals to reform the CAB issuance process;" and,

WHEREAS, the Santa Clara County Civil Grand Jury recently issued a report entitled "Our School Districts Do Not Need Zeros;" ("Report") which raised concerns about the use of CABs by school districts in Santa Clara County; and,

WHEREAS, the Report recommended that Santa Clara County school districts comply with the moratorium called for by the State Controller and State Superintendent of Public Instruction; and,

WHEREAS, Penal Code section 933 requires that the District respond to the Report within 90 days.

NOW, THEREFORE, the Governing Board of the Fremont Union High School District hereby finds, determines, declares, orders, and resolves as follows:

Section 1. The above recitals are true and correct.

19.2.4
9/3/13

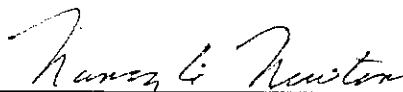
Section 2. The District will comply with the moratorium called for by the State Controller and State Superintendent of Public Instruction as requested by the Report and as outlined in the attached Memorandum.

Section 3. The District's Superintendent and/or his designee shall forward this Resolution and an official response to the Report to the Presiding Judge of the Santa Clara Superior Court and is otherwise authorized to take any action and/or execute any documents which are necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

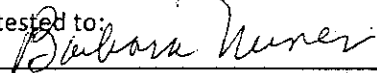
APPROVED, PASSED, AND ADOPTED by the Governing Board of the Fremont Union High School District on this 3rd day of September, 2013, by the following vote:

RESOLUTION NO. 1314-04

AYES: 5
NOES: 0
ABSTENTIONS: 0
ABSENSES: 0



President of the Governing Board of
the Fremont Union High School District

Attested to:


Clerk of the Governing Board of
the Fremont Union High School District