

FILED

JUL 18 2024

RESOLUTION NO. 3997

By _____
FRESNO COUNTY CLERK
DEPUTY

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
CLOVIS UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION TO
AUTHORIZE THE ISSUANCE OF SCHOOL BONDS, ESTABLISHING
SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING
CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON
NOVEMBER 5, 2024**

WHEREAS, the Clovis Unified School District (the "District") in Fresno County (the "County"), State of California (the "State"), is committed to providing quality education to its students; and

WHEREAS, the District's facilities continue to be in need of construction and modernization including repairs, upgrades, and safety improvements in order to provide the education District students deserve in a safe and modern environment; and

WHEREAS, education funding derived from the State is inadequate to address the District's facilities needs and a local funding source such as proceeds of general obligation bonds is needed to enable the District to provide said facilities for its present and future students; and

WHEREAS, the Board of Trustees of the District (the "Board") has determined that it is necessary to address the foregoing concerns, among others, to ensure that its schools are upgraded, repaired, improved and equipped; and

WHEREAS, on November 7, 2000, the voters of the State of California approved Proposition 39 ("Proposition 39"), which amended Articles XIII A of the California Constitution ("Article XIII A") to allow for the levy of *ad valorem* property taxes for the payment of bonded indebtedness of a school district, community college district or county office of education approved by at least 55 percent of the voters voting on such proposition; and

WHEREAS, upon the passage of Proposition 39, the Strict Accountability in Local School Construction Bond Act of 2000, being California Education Code Section 15264 and following (the "Act"), became operative; and

WHEREAS, in order to address the facilities needs of the District as described herein, in the judgment of the Board, it is advisable to call an election pursuant to the Act to submit to the electors of the District the question whether bonds of the District shall be issued and sold pursuant to the authority of Article XVI Section 18 of the California Constitution and Article XIII A

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(together with the Act, the “Law”) for the purposes authorized by the Law and as described more particularly in Appendix A hereto (the “Full Text of Bond Measure”); and

WHEREAS, under the Act, the election may be ordered at a primary or general election, a regularly scheduled local election at which all of the electors of the District are entitled to vote, or a statewide special election, upon a two-thirds vote of the Board; and

WHEREAS, the Board desires to call an election in the District pursuant to the Law on November 5, 2024, which is the date of the statewide general election, and pursuant to Education Code Section 15121 and Elections Code Section 10400 and following, to request consolidation with any and all other elections held in the District on such date, and to request the Fresno County Registrar of Voters (the “County Registrar”) to perform election services for the District; and

WHEREAS, in connection with the calling of a bond election and in accordance with Education Code Section 15100 subparagraph (c), the Board has obtained reasonable and informed projections of assessed property valuations that take into consideration projections of assessed property valuations made by the County assessor, if any have been made available by the assessor; and

WHEREAS, furthermore, the Board has examined the District’s currently outstanding bonded indebtedness and the related cumulative tax levy per \$100,000 of assessed value on the fiscal year 2023-24 tax roll, and based on reasonable assessed valuation growth estimates, the scheduled amortization of outstanding bonds and other bond structuring factors, it reasonably projects that bonds issued pursuant to this measure will extend but not increase the aggregate tax rate supporting outstanding District general obligation bonds; and

WHEREAS, pursuant to United States Income Tax Regulations Section 1.150-2, the Board desires to declare its official intention at this time that if the measure submitted to voters hereunder is successful and bonds are issued pursuant to such measure, that it intends to reimburse from said bond proceeds any expenditures made by the District prior to the date of issuance of said bonds for the purposes described in the measure; and

WHEREAS, the District’s bond measures have historically been assigned the measure designation “A” since the year 1986, and as such, the Board includes in this Resolution in Section 16 a request to the Fresno County Registrar to assign the measure designation “A” to the bond measure provided for herein; and

THEREFORE, BE IT RESOLVED that the Board of Trustees has reviewed and approves the following:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Call for Election. The Board hereby orders an election and submits to the electors of the District the question of whether general obligation bonds of the District shall be issued and sold in the maximum principal amount of \$400,000,000 for the purposes described in the ballot measure approved under Section 4 and attached hereto as Appendix A (Full Text of Bond Measure) and Appendix B (Abbreviated Text of Bond Measure), and paying all costs incident thereto. This Resolution constitutes the order of the District to call such election and shall constitute the “specifications of the election order” pursuant to Education Code Section 5322.

Section 3. Election Date. The date of the election shall be November 5, 2024, and such bond election shall be held solely within the boundaries of the District. The boundaries of the District have not changed since the District’s last election.

Section 4. Purpose of Election; Ballot Measure. The purpose of the election shall be for the voters in the District to vote on a bond measure, a full copy of which is attached hereto as Appendix A and marked “Appendix A – Full Text of Bond Measure” (the “Full Text of the Measure”), containing the question of whether the District shall issue general obligation bonds for the purposes stated therein, together with the accountability requirements of Article XIII A and the requirements of Section 15272 of the Act. The Full Text of the Measure, which commences with the heading “FULL TEXT OF BOND MEASURE” and includes all of the text thereafter on Appendix A, is requested to be printed in the voter information pamphlet provided to voters, with such measure designation as is assigned to the measure by the County elections official.

As required by Education Code Section 5322 and 15122, Elections Code Section 13247, and in accordance with Elections Code Section 13119, the abbreviated statement of the measure to appear on the ballot label is attached hereto as Appendix B and is marked as “Appendix B – Abbreviated Form of Bond Measure.”

The President of the Board and the Superintendent are hereby separately authorized and directed to make any changes to the text of the bond measure as described herein to conform to any requirements of the Law or the County Registrar, to changes in applicable legal provisions, to address word count limitations, and upon the advice of its legal counsel. Any such changes shall be directed in writing by the Superintendent to the County Registrar.

Section 5. Authority for Election. The authority for ordering the election is contained in Section 15264 *et. seq.* of the Education Code, Article XVI Section 18(b) of the California Constitution and paragraph (b) subsection (3) of Article XIII A. The authority for the specification of this election order is contained in Section 5322 of the Education Code. The vote passage requirement for the measure is least 55 percent of the voters voting on the measure.

Section 6. Proceeds for School Facilities Projects. The Board certifies that the proceeds from the sale of the bonds will be used only for the purposes specified in Article XIII A, Section 1(b)(3) as further specified in Appendix A, and not for any other purpose, including teacher and administrator salaries and other school operating expenses. Further, as required by Article XIII A, the Board hereby certifies that it has evaluated safety, class size and information technology needs in developing the list of school facilities projects set forth in Appendix A.

Section 7. Covenants of the Board upon Approval of the Bonds by the Electorate; Accountability Measures. As required by Article XIII A, Section 15278 of the Act, and Government Code Section 53410, in the event 55 percent of the voters voting in the District approve of the Bonds, the Board shall:

- (a) conduct an annual, independent performance audit to ensure that the funds have been expended only on the projects listed in Appendix A;
- (b) conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the school facilities projects listed in Appendix A;
- (c) establish and appoint members to an independent citizens' oversight committee in accordance with Sections 15278, 15280, and 15282 of the Act, which may be a committee that has been previously established and exists for a prior bond measure of the District, at the discretion of the Board;
- (d) apply the Bond proceeds only to the specific purposes stated in the ballot proposition;
- (e) cause the creation of accounts into which bond proceeds shall be deposited;
and
- (f) cause the preparation of an annual report pursuant to Government Code Sections 53410 and 53411.

Section 8. State Matching Funds. The Board hereby finds that some of the projects identified on the Full Text of Measure may require state matching funds for completion. As such, the statement required by Education Code Section 15122.5 has been included in the Full Text of Measure attached hereto which shall be reproduced in the sample ballot.

Section 9. Delivery of this Resolution. The Clerk of the Board is hereby directed to send a copy of this Resolution to (1) the County Registrar, and (2) the Fresno County Clerk of the Board of Supervisors (the "Clerk of the Board") for purposes of consolidation pursuant to Elections Code Section 10403. The Resolution shall be received by the County Registrar and the Clerk of the Board no later than 88 days prior to the election date, unless otherwise permitted by law.

The County Registrar is hereby requested to print the full text of the ballot measure in the ballot materials as it appears on Appendix A hereto and to provide all required notices of the election and other notices related thereto.

Section 10. Consolidation of Election; Request to Provide Services. The County Registrar and the Fresno County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 5, 2024, within the District.

Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Fresno County is requested to permit the County Registrar to render all services specified by Section 10418 of the Elections Code and other applicable law relating to the election, for which services the District agrees to reimburse Fresno County in full upon presentation of a bill from the 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 Section 9401 of the Elections Code). The County Registrar is requested to transmit this Resolution to County Counsel, in accordance with Elections Code Section 9500.

Section 11. Approval of Tax Rate Statement. Pursuant to Elections Code Section 9400 and following including as amended by Senate Bill 798 (chaptered October 10, 2023, and effective January 1, 2024), a tax rate statement has been prepared in the form attached hereto as Appendix C, which form of Tax Rate Statement is hereby approved for inclusion in the sample ballot. The President of the Board, the Superintendent, or any written designee of the foregoing, are hereby separately authorized and directed to execute the tax rate statement, and to file said Statement with the County Registrar, in accordance with Section 9 hereof.

Section 12. Ballot Arguments. As provided in Elections Code Section 9501, any and all members of this Board are hereby authorized to (but not required nor directed to) act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument, each of which if filed shall be filed within the time frame established by the County Registrar.

Section 13. Maturity Limit of Bonds; Covenant Regarding Maximum Term. The Bonds may be issued in one or more series by the District from time to time. The District covenants that the term of each series of the Bonds will not extend longer than 25 years from the date of issuance. The Bonds shall be issued under the Act, under the provisions of Section 53506 *et seq.* of the California Government Code, or under any other provision of law authorizing the issuance of general obligation bonds by school districts.

Section 14. Estimates Included in Ballot Materials. The measure and related tax rate statement authorized by this Resolution includes certain information which is based upon reasonable assumptions and current expectations, which include information with respect to the amount of money required to repay issued bonds, the estimated rate of the approved tax levy, and the duration through which the proposed tax levy supporting bond repayment will be levied and collected.

In particular, in connection with this bond measure, the District expects that bonds issued pursuant to this measure will not result in an increase to the rate of the tax levy for the District's currently outstanding general obligation bonds, in the aggregate, from the levy placed on the 2023-24 property tax roll (\$155.35 per \$100,000 of assessed value), which is the most recently available tax rate due at the time of adoption of this Resolution. In connection with this current expectation, the District has examined the debt service requirements due on its previously issued and outstanding voter-approved general obligation bonds, the District's fiscal year 2023-24 assessed value and the future projected assessed value taking into account reasonable assessed value growth estimates. Due to the currently scheduled payment of outstanding bonds, and the expectation that tax levies required for bonds issued pursuant to this measure will commence in fiscal year 2024-25, the District expects that this bond measure will not increase current tax rates in the aggregate. The period through which the tax rate will apply is through the final maturity date of the bonds approved by this measure (which is expected to be a longer duration than existing debt), as more particularly identified in the Tax Rate Statement set forth in Appendix C hereto.

Any estimates and expectations in this Resolution and in the appendices hereto have been provided by the District in good faith based upon information currently available to the District, but such items depend on numerous factors which are subject to variation and change over the term of the District's overall facilities and bond financing plan. General obligation bonds are secured by a tax levy which in accordance with State law is unlimited as to rate or amount. As such, although provided in good faith and based on information currently known to the District, the estimates and approximations provided with this bond measure are not intended to be additional restrictions on the District's bond program, bond issuances and tax rate, and, other than the total principal amount of bonds authorized to be issued by the bond measure, shall not represent legal maximums or additional limitations on bond issuance, including on the tax levy securing the bonds or other structuring and repayment terms.

Finally, the abbreviated and condensed statement of the bond measure set forth in Appendix B, limited by State law to 75 words or less, does not limit the scope and broader and more complete meaning provided in the Full Text of Bond Measure, set forth in Appendix A, and references herein to spending bond funds locally means spending bond funds on local schools and related facilities.

Section 15. Joint/Community Use. Using funds from the Bonds, the District may enter into agreements with the City of Fresno, the City of Clovis, the County of Fresno or other agencies or nonprofit organizations for joint use of school facilities in accordance with State law. The District may seek State grant or matching funds for eligible joint-use projects as permitted by law, and Bond funds may to be used to fund all or a portion of the share for such eligible joint-use projects as the Board shall determine.

Section 16. Request for Measure "A" Designation. The District has been assigned the measure designation "A" on past measures, since the year 1986. At the time that the County Registrar assigns measure designations pursuant to Elections Code Section 13116 to measures appearing on the November 5, 2024, ballot, the District respectfully requests, for consistency with its voters and to avoid voter confusion, that the bond measure called by this Resolution be designated by the letter "A".

Section 17. Reimbursement. Pursuant to federal tax law, particularly United States Income Tax Regulations Section 1.150-2, the District hereby declares that it may (i) pay certain costs of the projects listed in Appendix A prior to the date of issuance of bonds and, in such case,

(ii) intends to use a portion of the proceeds of bonds for reimbursement of said expenditures for the projects that are paid before the date of issuance of bonds.

Section 18. Official Actions. The President of the Board and the Superintendent are hereby separately authorized and directed to execute and deliver to County officials any directions, requisitions or other writings, and to make any changes to the texts of the measure as described herein and in the tax rate statement, to conform to any legal requirements or the County Registrar, in order to cause the election to be held and conducted in the District.

Section 19. Effective Date. This resolution shall take effect on and after its adoption.

The FOREGOING RESOLUTION was adopted by the Governing Board of the Clovis Unified School District of Fresno County, State of California, at a meeting of said Board held on the 17th day of July, 2024, by the following vote:

[For a 7-member Board, 5 AYES required for approval]

AYES: Awtrey, DeFrank, Moore, Olivier, Stoker Madsen

NOES: 0

ABSENT: Combs-Flores, Fogg

ABSTAIN: 0

Hugh Awtrey, President
Governing Board
Clovis Unified School District
Fresno County, California

I, Clinton Olivier, Clerk of the Governing Board of the Clovis Unified School District, County of Fresno, State of California, do hereby certify that the foregoing is a true copy of the resolution adopted by said Board at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is on file in the office of said Board.

Clinton Olivier, Clerk
Governing Board
Clovis Unified School District
Fresno County, California