

## RESOLUTION NO. 23/24-U49

FILED

JUL 15 2024

RESOLUTION OF THE BOARD OF TRUSTEES OF DINUBA  
UNIFIED SCHOOL DISTRICT ORDERING A SCHOOL SAFETY,  
REPAIR AND STUDENT ACHIEVEMENT ELECTION, AND  
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER By

CLERK

DEPUTY

WHEREAS, the Board of Trustees of the Dinuba Unified School District (the "District") is devoted to improving the quality of education in our local public schools by providing classrooms that are clean and safe by removing hazardous materials, like asbestos, mold and lead paint from older schools, and by upgrading security and emergency communications systems; and

WHEREAS, since many of our schools were built 70 plus years ago, additional resources are necessary to make basic improvements, including repairing leaky roofs, deteriorating infrastructure, including plumbing, gas lines, sewer, heating, ventilation and electrical systems in older classrooms and facilities and providing safe drinking water; and

WHEREAS, a priority of the District is improving student safety and seeks to do so by upgrading pedestrian safety near schools, reducing vandalism, improving restroom privacy and student pick-up and drop-off areas; and

WHEREAS, with the acquisition of updated technology and communication systems student and fire safety can be enhanced; and

WHEREAS, while the State of California (the "State") has provided State funds for the construction of the new Dinuba High School, it does not provide the District with enough money for the District to complete the new high school project nor adequately repair older schools to enhance safety and provide an optimal learning environment for all students; 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 provide funds that cannot be taken away by the State to upgrade aging local schools, protect student safety and help the District qualify for State matching funds; and

WHEREAS, such measure will include a transparent system of accountability, including a project list detailing exactly how money will be used, require an independent citizens' oversight committee and public disclosure of how all funds are spent; and

WHEREAS, the Board desires to finance the costs of acquiring, constructing, reconstruction and/or equipping of school facilities (the "Projects") as described in Exhibit B hereto; 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* property 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 which will improve the health, safety and quality of education for students in the District and assist the District to retain and attract quality teachers; 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 monitored 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, Elections Code Section 9400 *et seq.* 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 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 5, 2024, and to request both the Tulare County Registrar of Voters and the Fresno County Registrar of Voters to perform certain election services for the District.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE DINUBA 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 both the Tulare County Registrar of Voters and the Fresno 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 \$42,000,000 (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. The District's Superintendent, or designee, is hereby authorized and directed to make any changes to the text of the measure, or to the

abbreviated form of the measure, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of election officials, and requirements of law.

Section 2. That the date of the election shall be November 5, 2024.

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 within the District 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) that 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 student safety, class size reduction, vocational training opportunities and classroom, educational and information technology needs of the District;

(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. The Citizens' Oversight Committee shall initially consist of at least seven (7) members and at no time consist of less than seven (7) members, with the possible exception of brief periods to fill any unexpected vacancies. The Citizens' Oversight Committee may not include any employee or official of the District or any vendor, contractor or consultant of the District. The Citizens' Oversight Committee shall include all of the following: One (1) member who is active in a business organization representing the business community located within the District; One (1) member who is active in a senior citizens' organization; One member who is active in taxpayers association. In furtherance of its specifically enumerated purposes, the Citizens' Oversight Committee may engage in any of the following activities relating solely and exclusively to the expenditure of the Proposition 39 bond proceeds:

(i) Receive and review copies of the annual, independent financial and performance audits performed by independent consultant(s);

(ii) Inspect District facilities and grounds to ensure that Proposition 39 bond revenues are expended in compliance with applicable law;

(iii) Receive and review copies of all scheduled maintenance proposals or plans developed by the District;

(iv) Review efforts of the District to maximize Proposition 39 bond revenues by implementing cost-saving programs; 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. In connection with ordering the election pursuant to the provisions mentioned above, the District has obtained reasonable and informal projections or assessed property valuations that take into consideration projections of assessed property valuations made by the respective Tulare County and Fresno County assessors that are available to the District.

Section 6. That the Tulare County Registrar of Voters, the Fresno County Board of Supervisors, the Tulare County Registrar of Voters, 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. 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 Tulare County Registrar of Voters and the Fresno County Registrar of Voters no later than August 8, 2024.

Section 8. That the Bonds may be issued pursuant to Education Code Section 15264 *et seq.* or Government Code Section 53506. 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 Tulare County Registrar of Voters and the Fresno County Registrar of Voters by the established deadlines.

Section 10. That the Board authorizes the Superintendent or his designee to enter into professional services agreements with Keygent LLC, as municipal advisor and Stradling Yocca Carlson & Rauth, as bond counsel in connection with the matters authorized by this resolution.

Section 11. Pursuant to Education Code Section 5303 and Elections Code Section 10002, the Boards of Supervisors of both Tulare County and Fresno County are requested to permit the respective 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 both Tulare County and Fresno 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 27th day of June, 2024.

BOARD OF TRUSTEES OF THE DINUBA  
UNIFIED SCHOOL DISTRICT

By

President

Attest:

\_\_\_\_\_  
Secretary

STATE OF CALIFORNIA    )  
  )ss  
TULARE COUNTY         )

I, Dr. Joe Hernandez, do hereby certify that the foregoing is a true and correct copy of Resolution No.23/24-U49, which was duly adopted by the Board of Trustees of the Dinuba Unified School District at the meeting thereof held on the 27th day of June, 2024, and that it was so adopted by the following vote:

AYES: Villarreal, Froese, Cendejas, Keel-Worrell

NOES: None

ABSENT: Kizirian

ABSTENTIONS: None

By \_\_\_\_\_  
Secretary