

FILED

JUN 25 2024

RESOLUTION NO. 24-87

By _____ ERK
DEPUTY

**RESOLUTION OF THE BOARD OF EDUCATION OF THE FRESNO
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 Fresno 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WHEREAS, many of the District's schools were built sixty to seventy years ago, and these outdated buildings need health and safety repairs in order to provide the education District students deserve in a safe, clean and modern environment, including classroom repair, renovation and construction projects; and

WHEREAS, many of the classrooms at the District's local schools are overcrowded, which hurts children's ability to reach their potential in school, especially those who are gifted or who have special needs, and improvements are needed to help the District expand overcrowded schools, so students and teachers have safe, appropriate classrooms.

WHEREAS, students who choose not to go to college need opportunities to learn valuable job skills so they can compete for good-paying jobs when they graduate high school, and the District seeks to upgrade and expand career and technical education programs.

WHEREAS, many of the District's local schools have outdated security and safety features and do not have adequate safety lighting, fencing, secure single points of entry, automatic door locks, and emergency communications systems, and additional funding is needed to make security upgrades to keep intruders out and keep local teachers and children safe.

WHEREAS, arts, music and performing arts education are vital, core subjects that help kids stay in school and give all kids another path to success, and the District is working to ensure that every student in Fresno Unified schools has access to quality arts education, with appropriate learning and performance spaces.

WHEREAS, the District has undertaken a facilities assessment and master planning process to provide a roadmap for making future improvements at schools across the District; and

WHEREAS, a local funding source is needed to enable the District to provide said facilities for its present and future students; and

WHEREAS, the Board of Education 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 "Strict Accountability 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 Strict Accountability 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 (together with the Strict Accountability Act, the "Law") for the purposes authorized by the Law and as described in Appendix A hereto (the "Full Text of the Bond Measure"); and

WHEREAS, in developing the facilities projects set forth in the Full Text of the Bond Measure, in accordance with the Law the Board has evaluated safety, class size reduction, and information technology needs of the District; and

WHEREAS, a measure presented to District voters pursuant to the Law will have transparency in spending in the form of public disclosure of all spending, annual independent financial and performance audits, and independent citizens oversight; and

WHEREAS, under the Strict Accountability 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 wishes 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 Fresno County Assessor; and

WHEREAS, the District has prepared a Tax Rate Statement in the form attached as Appendix C hereto to provide voters with information about estimated tax rates and other factors in accordance with Elections Code Section 9400 and following; and

WHEREAS, pursuant to United States Income Tax Regulations Section 1.150-2, the Board wishes 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;

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

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 \$500 million 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," 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 Strict Accountability Act. The Full Text of the Bond Measure, which commences with the heading "FULL TEXT OF BOND MEASURE" and includes all of the text thereafter on Appendix A, shall 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 Sections 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 is attached hereto as Appendix B and is marked as "Appendix B – Abbreviated Form of Bond Measure." The abbreviated form of the measure is merely an abbreviation of the Full Text of the Bond Measure and is subject to a word count limitation of seventy-five words or less. The Board urges voters to review the Full Text of the Bond Measure and the Tax Rate Statement (see Section 11) to obtain a complete understanding of the terms of the measure including the financial projections and estimates upon which the measure is based.

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.

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 Strict Accountability 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 Strict Accountability Act;
- (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 the Bond 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 the Bond Measure attached hereto which shall be reproduced in the sample ballot. The Board will prioritize the facilities projects and cannot guarantee that funds raised by this measure and state matching funds, if such funds become available, will be sufficient to address each of the identified projects.

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 Bond 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. With respect to the Tax Rate Statement attached as Appendix C, in accordance with Elections Code Section 9405, the Board of Education adopts the procedures identified in said Section.

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 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).

Section 11. Approval of Tax Rate Statement. Pursuant to Elections Code Section 9400 and following, 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.

Section 12. Ballot Arguments. As provided in Elections Code Section 9501, any and all members of this Board are hereby authorized, at their option, 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. The Bonds may be issued in one or more series by the District from time to time, and each series of Bonds shall mature not more than the legal limit at the time of such issuance thereof. The Bonds shall be issued under the Strict Accountability 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 authorized by this Resolution includes information presented to voters with respect to the estimated amount of money required to repay issued bonds, the estimated rate of the approved tax rate per \$100 or \$100,000 of assessed valuation (*ad valorem* tax), and the estimated duration through which the proposed tax supporting bond repayment will be levied and collected, among others. Any such estimates have been provided by the District in good faith based upon information currently available to the District, but depend on numerous variables which are subject to variation and change over the term of the District's overall

facilities and bond financing plan. Such estimates and approximations are not intended by the Board, and shall not be interpreted or construed as additional restrictions on the District's bond program, bond issuances and related tax rate, and, other than the total principal amount of bonds authorized to be issued by the bond measure, do not represent legal maximums or additional limitations beyond applicable legal requirements. Furthermore, 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 complete meaning provided in the Full Text of the Bond Measure, set forth in Appendix A.

Section 15. Engagement of Professional Services. The firm of Keygent LLC is hereby designated to act as financial advisor to the District, and the firm of Jones Hall, A Professional Law Corporation, is hereby designated as bond counsel to the District, in connection with the election proceedings authorized under this Resolution and the issuance of any bonds in the event such election is approved by the requisite percentage of voters. Said firms shall be engaged upon the terms and conditions upon which they have been engaged in connection with prior general obligation bond issues of the District.

Section 16. Official Actions. The President of the Board, the Superintendent and the Chief Operations and Classified Labor Management Officer 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 17. Effective Date. This resolution shall take effect on and after its adoption.

The foregoing Resolution was adopted by the Board of Trustees of the Fresno Unified School District of Fresno County, being the Board authorized by law to make the designations therein contained by the following vote, on June 20, 2024.

AYES: 7 - Member Claudia Cazares, Member Veva Islas, Member Elizabeth Jonasson Rosas,
Member Andy Levine, Member Keshia Thomas, Clerk Valerie Davis and President Susan Wittrup

NOES: 0

ABSTAIN: 0

ABSENT: 0

I, Susan Wittrup, President of the Fresno Unified School District Governing Board, do hereby certify that the foregoing is full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board

President of the Board of Education
Fresno Unified School District

I, Valerie F. Davis, Clerk of the Board of Education of the Fresno Unified School District Governing Board, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Board of Education of the Fresno Unified School District Governing Board at a regular meeting thereof held on the 20th of June, 2024, by the above described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Fresno Unified School District Governing Board this 20th of June, 2024.

Clerk of the Board of Education
Fresno Unified School District

[2/3 vote of Board required for approval]

