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BEFORE THE BOARD OF TRUSTEES OF THE
FIREBAUGH LAS-DELTAS UNIFIED SCHOOL DISTRICT FRESNO COUNTY CLERK

RESOLUTION NO. 15/16-32

RESOLUTION ORDERING AN ELECTION TO AUTHORIZE THE
ISSUANCE OF SCHOOL BONDS, ESTABLISHING SPECIFICATIONS
OF THE ELECTION ORDER, AND REQUESTING CONSOLIDATION
WITH ANY OTHER ELECTIONS OCCURRING ON NOVEMBER 8, 2016

WHEREAS, in the judgment of the Board of Trustees (the “Board”) of the Firebaugh-Las Deltas Unified School District (the “District”), it is advisable to call an election to submit to the electors of the District the question of whether the bonds of the District (“Bonds”) shall be issued and sold for the purpose of raising money for the improvement, upgrade, and renovation of the District’s existing schools and the acquisition and construction of additional classrooms and school facilities; and

WHEREAS, schools and facilities within the District are aging and in need of expansion, replacement or repair, with respect to roofing, heating and air conditioning systems, storm and water drainage systems, security systems, plumbing, insulation, electrical systems, safety, and lighting systems, or upgrading to ensure the health and safety of pupils, staff and community and provide for adequate housing for the District’s pupils; and

WHEREAS, antiquated facilities systems throughout the schools are both ineffective and costly to operate and need to be updated; and

WHEREAS, District schools need technology infrastructure and tools to meet curricular requirements and prepare students for success upon graduation; and

WHEREAS, excellent schools and classrooms benefit the District’s ability to recruit and retain excellent teachers and keep our community vital by continuing to attract young families; and

WHEREAS, without a local school bond, the District will lose the opportunity to receive state matching funds which will then be awarded to other school districts; and

WHEREAS, as a result of the approval of Proposition 39 on November 7, 2000, Article XIII A, Section 1, paragraph (b) of the California Constitution (“Article XIII A”) provides an exception to the limit on *ad valorem* property taxes on real property for bonded indebtedness incurred by a school district that has been approved by fifty-five percent (55%) of the voters of the District voting on the proposition; and

WHEREAS, pursuant to California Education Code section 15264 *et seq.* (the “Act”), this Board is specifically authorized, upon approval by two-thirds (2/3) of the Board, to submit to the electorate of the District the question of whether bonds of the District shall be issued and

sold for specified purposes, upon a fifty-five percent (55%) vote of the electorate in favor on the question, pursuant to paragraph (3) of said subdivision (b) of Section 1 of Article XIII A and subdivision (b) of Section 18 of Article XVI of the California Constitution; and

WHEREAS, pursuant to California Election Code section 10403, *et seq.*, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 8, 2016, and to request the election officials of Fresno County and Madera County (together, the “Counties”) to perform certain election services for the District.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE FIREBAUGH-LAS DELTAS UNIFIED SCHOOL DISTRICT HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:

1. **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 principal amount not to exceed \$15 million for the purpose of raising money for the improvement, upgrade, renovation, and replacement of the District’s existing schools, facilities, and improvements, and the acquisition and construction of additional schools, facilities, and improvements, and paying costs incident thereto, as set forth more fully in a ballot proposition approved pursuant to Section 3 below. This Resolution constitutes the order of the District to call such election.
2. **Election Date.** The date of the election shall be November 8, 2016, and the election shall be held solely within the boundaries of the District.
3. **Purpose of Election; Ballot Proposition.** The purpose of the election shall be for the voters of the District to vote on a proposition, a full copy of which is attached hereto as *Exhibit A*, containing the question of whether the District shall issue the Bonds for the purposes stated therein, together with the accountability requirements of Article XIII A and the requirements of section 15272 of the Act. As required by California Elections Code section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto as *Exhibit B*. The District’s Superintendent (or his/her designee) is hereby authorized and directed to make any changes to the text of the proposition or its abbreviated form as required to comply with the intent of this Resolution, the requirements of elections officials, and requirements of law.
4. **Authority for Election.** The authority for ordering the election is contained in California Education Code section 15264, *et seq.* and Article XIII A, Section 1, paragraph (b), subsection (3) of the California Constitution. The authority for the specification of this election order is contained in California Education Code section 5322.
5. **School Facilities Projects.** A list of the specific school facilities projects and uses to be funded from the proceeds of the Bonds is set forth in *Exhibit A*. As required by Article XIII A, the Board hereby certifies that it has evaluated safety, class-size

reduction, and information technology needs of the District in developing the list of school facilities projects and uses set forth in *Exhibit A*.

6. **Covenants of the Board Upon Approval of the Bonds by the Electorate.** As required by Article XIII A and section 15272 of the Act, if fifty-five percent (55%) of the voters of the District voting on the measure approve of the Bonds, the Board shall:

(a) Use the bond proceeds only for the purposes authorized under Article XIII A, including construction, reconstruction, rehabilitation, or replacement of school facilities, furnishing and equipping of school facilities, and the acquisition or lease of real property for school facilities, as specifically set forth in *Exhibit A*, and costs incident thereto, and not for any other purpose, including salaries and other routine school operating expenses;

(b) Conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the projects and uses listed in *Exhibit A*;

(c) Conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for school facilities projects and uses listed in *Exhibit A*; and

(d) Establish and appoint members to an independent citizens' oversight committee in accordance with sections 15278, 15280, and 15282 of the Act.

7. **Delivery of this Resolution.** The Clerk of this Board is hereby authorized and directed to send or hand deliver a copy of this Resolution to the Superintendent of Schools of both Counties, the Registrar of Voters of both Counties, and the Clerk to the Board of Supervisors of both Counties, by no later than August 12, 2016.

8. **Declaration of Official Intent.** The District hereby declares its official intent, subject to the further approval of this Board, to use up to the maximum amount permitted by law of the proceeds of the proposed Bonds to reimburse itself for payments it has made for any eligible costs of the projects and uses listed in *Exhibit A*. It is intended that this Resolution shall, among other things, constitute a declaration of "official intent" within the meaning of Section 1.150-2 of the Treasury Regulations promulgated under Section 150 of the Internal Revenue Code of 1986, as amended.

9. **Ballot Arguments; Tax Rate Statement.** Any member or members of the Board, or the Board, with the assistance of the administration, in addition to such other individuals as prescribed by law, are hereby authorized to prepare and file any ballot argument prepared in connection with the election, including a rebuttal argument pursuant to Elections Code section 9501. The Superintendent, President of the Board, or their designees, are hereby authorized to execute any Tax Rate Statement or other document and to perform any and all acts necessary to place the bond measure on the ballot.

10. **Consolidation of Election; Election Services.** The Registrar of Voters for both Counties and the Boards of Supervisors for both Counties are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2016 within the District. Pursuant to section 5303 of the Education Code and section 10002 of the Elections Code, the Boards of Supervisors of both Counties are requested to permit the Registrar of Voters for their respective Counties, and other appropriate officials of the Counties, to render all services necessary in connection with the bond election including, but not limited to, publication of a Formal Notice of School Bond Election pursuant to Education Code 5363 and related law (the proposed form of which is attached hereto as *Exhibit C*), the mailing of the sample ballot and tax rate statement (described in section 9401 of the Elections Code), the opportunity to submit ballot arguments in connection with the bond election, the canvassing and certification of the returns of the election, and other ballot requirements pursuant to Elections Code section 15123, for which services the District agrees to reimburse the Counties as required by law.

11. **Severability.** If any section, subsection, phrase or clause of this Resolution, or its application to any person or circumstance, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution, or their application to any other person or circumstance. The Board declares that it would have adopted this Resolution and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, sentences, phrases or clauses, or their application to any person or circumstance, shall be declared invalid.

12. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED on June 30, 2016, by the following vote:

AYES: 4

NOES: 0

ABSTENTIONS: 0

ABSENT: 1

By: _____
Abel Serrano
President, Board of Trustees of the
Firebaugh-Las Deltas Unified School
District

ATTEST:

By: _____
Gilbert Coelho,
Clerk, Board of Trustees of the
Firebaugh-Las Deltas Unified School
District

EXHIBIT B

BOND MEASURE
for
FIREBAUGH-LAS DELTAS UNIFIED SCHOOL DISTRICT

(Abbreviated Form)

<p>“Firebaugh-Las Deltas Unified School District School Repair and Student Safety Measure. To repair aging classrooms; remove asbestos/lead paint; upgrade school safety/security; water conservation/recycling systems; improve agricultural education; technology, computer/science labs, vocational programs; repair, construct/retrofit classrooms, sites/equipment; maintain student health/safety and retain/attract quality teachers, shall Firebaugh-Las Deltas Unified School District issue \$15,000,000 in bonds , at legal rates, requiring independent annual audits, citizens’ oversight, no administrator salaries, preventing Sacramento from taking funds, and keeping all funds local?”</p>	BONDS – YES
	BONDS – NO

EXHIBIT C

FORMAL NOTICE OF SCHOOL BOND ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Firebaugh Las-Deltas Unified School District of Fresno and Madera Counties, California, that in accordance with the provisions of the Education Code of the State of California, an election will be held on November 8, 2016, within the District, at which election the following measure shall be submitted to the qualified electors of the District and voted upon:

“Firebaugh-Las Deltas Unified School District School Repair and Student Safety Measure. To repair aging classrooms; remove asbestos/lead paint; upgrade school safety/security; water conservation/ recycling systems; improve agricultural education; technology, computer/science labs, vocational programs; repair, construct/retrofit classrooms, sites/equipment; maintain student health/safety and retain/attract quality teachers, shall Firebaugh-Las Deltas Unified School District issue \$15,000,000 in bonds , at legal rates, requiring independent annual audits, citizens’ oversight, no administrator salaries, preventing Sacramento from taking funds, and keeping all funds local?”

Bonds - Yes

Bonds– No”

The bonds shall bear interest at an annual rate not exceeding the statutory maximum. The maturity of the bonds shall not exceed the maximum term allowed by law at the time of issuance (currently 25 years if issued under Education Code section 15140, or 40 years if issued under Government Code section 53508, so long as the bonds are not capital appreciation bonds (“CABs,” which CABs are limited to 25 years)). Accordingly, as further set forth in the tax rate statement, the *ad valorem* tax will be levied at such rates and for so long as may be required to meet the debt service needs of the bonds proposed to be issued, including such bonds that may be issued to refund any approved bonds.

All of the purposes enumerated in the foregoing measure shall be united and voted upon as one single measure, with precincts, places of holding the elections and officers appointed to conduct the elections to be the same as those provided for the statewide presidential general election to be held on November 8, 2016 under the Notice of Election published _____.

This election has been called pursuant to a Resolution of the Board of Trustees of the Firebaugh-Las Deltas Unified School District, adopted on June 30, 2016. The Elections Officials of the Counties of Fresno and Madera hereby give formal notice of the election in accordance with the provisions of Education Code Section 15120.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 2016.

Registrar of Voters
Fresno County, California

Registrar of Voters
Madera County, California