BEFORE THE BOARD OF TRUSTEES OF THE
CHOWCHILLA UNION HIGH SCHOOL DISTRICT

RESOLUTION NO. 0022-12

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 JUNE 7, 2022

WHEREAS, in the judgment of the Board of Trustees (the “Board”) of the Chowchilla Union
High 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 shall be issued and sold for the purpose of
raising money for the improvement, upgrade, and renovation of Chowchilla Union High School and
the acquisition and construction of additional classrooms and school facilities; and

WHEREAS, the District has a strong and very successful tradition of providing a learning
environment for all students which promotes academic, career technical, physical, social, and personal
skills/values, and affords each student the opportunity to make intelligent choices leading to a
productive/successful life through good citizenship and community participation and service; and

WHEREAS, outstanding school facilities is an integral feature of that tradition, and the
District renews its continued commitment to provide safe and exceptional learning environments,
which are critical for high-quality learning and instruction; and

WHEREAS, involving extensive stakeholder and community engagement, the Board has
comprehensively reviewed its short- and long-term facilities needs; and

WHEREAS, District students need new career technical education classroom and support
facilities and infrastructure for programs to meet curricular requirements and prepare students for
success upon matriculation and graduation; and

WHEREAS, students who do not go to college need job skills training, technical knowledge,
and specialized skills to compete for good-paying jobs. This measure will support career technical
education programs that require equipment, technology and classroom space to ensure our students can
compete in the labor market; and

WHEREAS, this measure will promote the health and safety of students with the
reconfiguration/relocation of our transportation facilities and by upgrading heating, air conditioning
and ventilation systems; and

WHEREAS, the Board believes that the health and social-emotional needs of our students are
also served when students have access to high-quality athletic and recreational facilities; and

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WHEREAS, excellent schools and classrooms and recreational facilities 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 subdivision (c) of California Education Code section 15100, 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; 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 Elections 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, June 7, 2022, and to request the election officials of Madera County (the “County”) to perform certain election services for the District.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE CHOWCHILLA UNION HIGH 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 $25,100,000 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 June 7, 2022, 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 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 County Superintendent of Schools and the County Registrar of Voters by no later than March 9, 2022.

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 and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The Superintendent, President of the Board, or their designees, are hereby authorized to prepare and submit any Tax Rate Statement or other document and to perform all acts necessary to place the bond measure on the ballot.

10. **Consolidation of Election; Election Services.** The County Registrar of Voters and the County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 7, 2022, within the District. Pursuant to section 5303 of the Education Code and section 10002 of the Elections Code, the County Board of Supervisors is requested to permit the County Registrar of Voters, and other appropriate officials of the County, 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 section 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 County 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 January 24, 2022, by the following vote:

AYES: 4

NOES: 0

ABSTENTIONS: 0

ABSENT: 1

By: Charlene Espinola
President, Board of Trustees of the Chowchilla Union High School District

ATTEST:

Clerk, Board of Trustees of the Chowchilla Union High School District
EXHIBIT A
FULL TEXT OF BOND MEASURE
for
CHOWCHILLA UNION HIGH SCHOOL DISTRICT

INTRODUCTION

The Chowchilla Union High School District was established in 1916 and serves the Chowchilla community, located generally in the central San Joaquin Valley of California, between the State’s coastal mountain ranges and the Sierra Nevada Mountains, in the northern portion of Merced County, with a population approaching 1,100 students in Chowchilla Union High School and Gateway Continuation School. The District has an ongoing need for facilities and infrastructure improvements including a new career technical education center with classrooms, labs, and workspace for programs such as welding and construction; new athletic fields, an all-weather track, and related facilities; and, electrical and low voltage systems and infrastructure to support project improvements. The District also has a need to address student health and safety needs by relocating the District’s transportation yard and upgrading heating, air conditioning and ventilation systems. Addressing these needed facilities issues requires that the District ask its voters to approve a General Obligation Bond.

The State of California requires a local match, funded primarily through local, general obligation bonds, for school districts wishing to pursue matching state funds for the upgrade or replacement of school buildings and facilities. The millions of dollars potentially available through the State match allows local taxpayers to benefit from the tax dollars they already pay to Sacramento.

It is imperative that our students are housed in educational environments consistent with the District’s priority to provide school facilities where every student is inspired and empowered in a safe, nurturing and innovative environment to follow their passions as they discover, pursue, and realize their life goals. We need to act locally to provide a school environment to ensure our students have the educational opportunities they deserve, and a school environment the community can take pride in.

BONDS

To construct a career technical education center to expand programs including welding and construction; qualify for state matching funds; install new football, soccer, baseball and softball fields; and replace heating, air conditioning and ventilation systems, shall the Chowchilla Union High School District’s measure authorizing $25.1 million in bonds be adopted with estimated levies of less than 3¢ per $100 of assessed valuation (raising $1.3
million annually) while bonds are outstanding, legal interest rates, annual audits and independent citizen oversight?

As required by the California Constitution, the proceeds from the sale of the bonds will be used only for the purposes authorized under Article XIII A of the California Constitution, including construction, reconstruction, rehabilitation, or replacement of school facilities, furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, as specifically set forth in this Exhibit A, and costs incident thereto, and not for any other purpose, including salaries and other routine school operating expenses.

The following list describes the specific projects the District proposes to finance with proceeds of the bonds. The scope of specific projects, the order of construction, and their completion is contingent on final project costs and the availability of needed funds. Further, projects on the project list are of the type that issuing the authorized general obligation bonds as stated will not cause the State to reduce any financial hardship contribution that would otherwise be available to the District had these bonds not been authorized, issued, and or expended for their stated purpose.

SCHOOL FACILITIES PROJECTS TO BE FUNDED FROM BOND PROCEEDS

The following Bond Project List includes both projects that can be completed using the bond proceeds, along with State matching funds and other building funds the District is projected to receive and projects that are proposed and needed but whose construction is contingent on the amount of bond funds available, plus the amount of State matching and other building funds the District may receive in the future, which is a function of the State building program rules, passage of State bonds, and the growth rate of the District. The completion of specific projects is also contingent on final project costs.

- Construct new career technical education center including classrooms, labs, and workspace for programs such as welding and construction
- Construct new athletic fields, all-weather track, and related facilities
- Acquire, install, and/or construct bleachers, lighting, and concession facilities
- Construct and/or renovate restrooms and locker rooms
- Relocate transportation yard, improving student safety
- Acquire, install, repair and/or replace heating, air conditioning and ventilation systems
- Construct electrical and low voltage systems and infrastructure to support project improvements
Each of the bond projects described in this Bond Project List include the costs of furnishing and equipping such facilities, and all costs which are incidental but directly related to the types of projects described above.

To the extent permitted by law examples of incidental costs include, but are not limited to: costs of design, engineering, architect and other professional services, facilities assessments, inspections, site preparation, utilities, landscaping, construction management and other planning and permitting, legal, accounting and similar costs; independent annual financial and performance audits; a customary construction contingency; demolition and disposal of existing structures; the costs of interim housing and storage during construction including relocation and construction costs incurred relating to interim facilities; rental or construction of storage facilities and other space on an interim basis for materials and other equipment and furnishings displaced during construction; costs of relocating facilities and equipment as needed in connection with the projects; interim classrooms and facilities for students, administrators, and school functions, including modular facilities; federal and state-mandated safety upgrades; addressing unforeseen conditions revealed by construction/modernization and other necessary improvements required to comply with existing building codes, including the Field Act; access requirements of the Americans with Disabilities Act; costs of the election; project construction oversight, management and administration during the duration of such projects, including by District personnel, and bond issuance costs.

Unforeseen conditions may arise during the course of planning, design and construction resulting in the scope and nature of any of the specific projects described above being altered by the District. In the event that the District determines that, with respect to a modernization or renovation project, it is more economical for the District or otherwise in the District’s best interests to be undertaken as new construction, this bond measure authorizes said new construction, including land acquisition, relocation, expansion and construction and/or reconstruction, and all costs relating thereto. Conversely, if the District determines that it is more economical or otherwise in the best interests of the District to modernize or renovate District facilities instead of undertaking a new construction project, this bond measure authorizes such a project. In addition, this measure authorizes the acquisition of real property, including necessary rights of ways or other real property interests, required to expand District facilities, to provide access to school or other District facilities, or to provide additional school or related facilities. Further, authorized projects include reimbursements for project costs previously paid and paying and/or prepaying interim financing for the types of projects included on the project list, such as bond anticipation notes. Finally, projects on this list may be undertaken and used as joint use projects with other public agencies.

Approval of the District’s bond measure does not guarantee that all of the identified projects within this Bond Project List will be funded. The District plans to pursue funds from the State of California, if available, to complete certain of the identified facilities projects. The District is unable to anticipate all unforeseen circumstances which may prevent some of the projects listed above from being undertaken or completed.

The order in which projects are listed in the foregoing Bond Project List does not suggest an order of priority. Project prioritization is vested in and will be determined by the District Board
of Trustees. Bond proceeds shall only be expended for the specific purposes identified herein. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code section 53410.

These projects may include participation in the State Facility Program’s Joint-Use Program to gain matching funds for teacher education, multi-purpose rooms, gymnasiums, libraries, childcare, and other qualifying Joint-Use facilities. With respect to such joint-use projects, the bond funds authorized by this Measure may be used to pay all of the local share needed to qualify the projects for special State matching funds under the State Facility Program’s Joint-Use Program requirements.

The Board of Trustees hereby certifies that it has evaluated the safety, class-size reduction, and information technology needs of the District in developing this list of school facilities projects.

**ACCOUNTABILITY MEASURES**

If the bonds are approved, the Board of Trustees will implement the following accountability measures in accordance with State law:

(a) Use the bond proceeds only for the purposes authorized under Article XIII A of the California Constitution, including construction, reconstruction, rehabilitation, or replacement of school facilities, furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities and related uses, as specifically set forth in this 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 this 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 this Exhibit A; and

(d) Establish and appoint members to an independent citizens’ oversight committee to ensure the bonds are used only for the projects and uses listed in this Exhibit A.

**STATE MATCHING FUNDS**

California Education Code section 15122.5 requires the following statement to be included in this sample ballot:

“Approval of this bond measure does not guarantee that the proposed projects in the Chowchilla Union High School District that are the subject
of bonds under this measure will be funded beyond the local revenues generated by this bond measure. The school district's proposal for certain of the projects assumes the receipt of matching state funds, which are subject to appropriation by the Legislature or approval of a statewide bond measure.”

ANNUAL TAX AMOUNT, RATE, AND DURATION

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.
**EXHIBIT B**

BOND MEASURE
for
CHOWCHILLA UNION HIGH SCHOOL DISTRICT

(Abbreviated Form)*

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<tr>
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<th>BONDS – YES</th>
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<td><strong>To construct a career technical education center to expand programs including welding and construction; qualify for state matching funds; install new football, soccer, baseball and softball fields; and replace heating, air conditioning and ventilation systems, shall the Chowchilla Union High School District’s measure authorizing $25.1 million in bonds be adopted with estimated levies of less than 3¢ per $100 of assessed valuation (raising $1.3 million annually) while bonds are outstanding, legal interest rates, annual audits and independent citizen oversight?</strong></td>
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<td>BONDS – NO</td>
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* Limited to 75 words pursuant to California Elections Code section 13247.
EXHIBIT C

FORMAL NOTICE OF SCHOOL BOND ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Chowchilla Union High School District of Madera County, California, that in accordance with the provisions of the Education Code of the State of California, an election will be held on June 7, 2022, within the District, at which election the following measure shall be submitted to the qualified electors of the District and voted upon:

"To construct a career technical education center to expand programs including welding and construction; qualify for state matching funds; install new football, soccer, baseball and softball fields; and replace heating, air conditioning and ventilation systems, shall the Chowchilla Union High School District’s measure authorizing $25.1 million in bonds be adopted with estimated levies of less than 3¢ per $100 of assessed valuation (raising $1.3 million annually) while bonds are outstanding, legal interest rates, annual audits and independent citizen oversight?"

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 gubernatorial primary election to be held on June 7, 2022, under the Notice of Election published ________.

This election has been called pursuant to a Resolution of the Board of Trustees of the Chowchilla Union High School District, adopted on January 24, 2022. The Elections Official of the County of Madera hereby gives 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 __________, 2022.

______________________________
Registrar of Voters
Madera County, California