

RESOLUTION NO. FY # 23-06

RESOLUTION OF THE BOARD OF TRUSTEES OF SELMA
UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees of the Selma Unified School District (the “District” is devoted to improving the quality of education in our local public schools by making classrooms safe for students, free from hazardous materials, like asbestos and mold, attractive to recruiting quality teachers and suitable to support high quality instruction for vocational careers and in subjects like math, science, technology, and skilled trades; and

WHEREAS, additional resources are necessary to make basic improvements, including repairing deteriorating roofs, plumbing, sewer, heating, air conditioning, ventilation and electrical systems; and

WHEREAS, the Board has determined that older schools in Selma need to be upgraded, in a fiscally prudent manner, to meet current health codes, building safety codes and provide safe drinking water; and

WHEREAS, the Board believes that District students deserve to have the same educational opportunities as others in the region and by fixing our older schools and upgrading our classrooms and instructional technology, this bond measure will help improve the quality of education in our local schools; and

WHEREAS, the State of California (the “State”) does not provide the District with enough money for the District to adequately construct and repair schools to 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 help 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 mandatory taxpayer protections, including an independent citizens’ oversight committee and mandatory audits to ensure funds are spent as promised; 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

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 enforced 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 8, 2022, and to request the Fresno County Registrar of Voters to perform certain election services for the District.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE SELMA 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 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 \$36,000,000 (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 8, 2022.

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 the safety, class size reduction, classroom, educational and information technology needs of the District as well as the importance of the projects to improve vocational training and student learning in core subjects like math, science, engineering, and technology;

(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; 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 county assessor that are available to the District.

Section 6. That the Fresno 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 8, 2022 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 Fresno County Registrar of Voters no later than August 12, 2022.

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 Fresno County Registrar of Voters by the established deadlines.

Section 10. That the Board authorizes the Superintendent or her 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 Board of Supervisors of Fresno County is requested to permit the 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 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 8th day of August, 2022.

BOARD OF TRUSTEES OF SELMA UNIFIED
SCHOOL DISTRICT

By _____
President

Attest:

Secretary

STATE OF CALIFORNIA)
)ss
FRESNO COUNTY)

I, Dr. Marilyn Shepherd, do hereby certify that the foregoing is a true and correct copy of Resolution No.FY # 23-06, which was duly adopted by the Board of Trustees of the Selma Unified School District at the meeting thereof held on the 8th day of August, 2022, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary

EXHIBIT A

SELMA UNIFIED SCHOOL DISTRICT STUDENT SAFETY/HEALTH/CLASSROOM REPAIR MEASURE. To upgrade school safety, security, fire systems, science, engineering, math, vocational classrooms; provide safe drinking water; fix deteriorating gas lines, electrical, roofs, plumbing; remove asbestos/mold; acquire, construct, repair sites, facilities, equipment, shall Selma Unified School District’s measure authorizing \$36,000,000 in bonds at legal rates, levying \$60/\$100,000 of assessed valuation, raising \$2,300,000 annually while bonds are outstanding, be adopted, requiring audits/oversight, spending disclosure, all funds for local schools?

Bonds – Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION OF THE SELMA UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 8, 2022

The following is the full proposition presented to the voters of the Selma Unified School District.

SELMA UNIFIED SCHOOL DISTRICT STUDENT SAFETY/HEALTH/CLASSROOM REPAIR MEASURE. To upgrade school safety, security, fire systems, science, engineering, math, vocational classrooms; provide safe drinking water; fix deteriorating gas lines, electrical, roofs, plumbing; remove asbestos/mold; acquire, construct, repair sites, facilities, equipment, shall Selma Unified School District's measure authorizing \$36,000,000 in bonds at legal rates, levying \$60/\$100,000 of assessed valuation, raising \$2,300,000 annually while bonds are outstanding, be adopted, requiring audits/oversight, spending disclosure, all funds for local schools?

PROJECT LIST

The Board of Trustees of the Selma Unified School District **is committed to providing safe, secure, upgraded classrooms**, labs and technology and **attracting and retaining quality teachers** needed **to improve the quality of instruction** so that students are prepared for college and in-demand jobs. To that end, the Board evaluated the District's urgent and critical technology and facility needs, including **safety** issues, class size reduction, **basic repairs**, computer and information technology in developing the types of projects to be funded by this measure as described below.

In approving this Project List, the Board of Trustees determines that the District **must**:

- (i) **IMPROVE THE QUALITY OF EDUCATION OFFERED BY SELMA USD.**
- (ii) **Remove hazardous materials, like asbestos and mold from schools.**
- (iii) **Provide safe drinking water.**
- (iv) **Fix deteriorating gas lines and replace leaky roofs.**
- (v) **Upgrade school security.**
- (vi) **REQUIRE THE PUBLIC DISCLOSURE OF ALL SPENDING.**

The Project List includes the following types of upgrades and improvements at schools, facilities and sites within the District:

REPAIR SCHOOLS AND IMPROVE THE QUALITY OF EDUCATION

Basic Repair Projects To Make Schools Clean and Safe

Goals and Purposes:

Recent events have shown that we need to do more to ensure every local student learns in a classroom that is safe and clean. This measure will help **protect against school shootings** by **upgrading outdated security and safety** features in our local schools to make sure they have secure entry points and the necessary security fencing, lighting, and emergency communications systems. And the measure will ensure that schools have upgraded air filtration and ventilation systems, as well as **updated smoke alarms and fire safety systems**.

Nothing is more important than **safe, clean water to drink**. That's why this bond will complete the work of **removing hazardous lead pipes** from our schools, help **prevent pesticide runoff** from seeping into school drinking water, and repair broken water fountains. At the same time, the District will be able to **conserve** water through irrigation and landscaping upgrades, keeping water bills low and doing **our part to respond to the ongoing drought**.

This measure will make it possible to complete urgently needed basic repairs to protect the health and safety of students, such as removing asbestos, lead paint and mold; replacing leaking roofs, decaying walls, broken plumbing and bathrooms; upgrading electrical systems and wiring for computer technology; installing new windows and proper insulation; and improving student health and safety measures.

- **Provide safe drinking water.**
- **Remove asbestos and mold.**
- **Fix deteriorating electrical wiring.**
- **Complete the installation of air conditioning in all local public schools.**
- **Fix deteriorating gas lines and leaky roofs.**
- **Upgrade school fire systems.**
- **Upgrade classrooms.**
- **Help prevent pesticides from seeping into school drinking water.**

STUDENT CAREER PREPARATION: SUPPORT JOB TRAINING, HIGH QUALITY INSTRUCTION and ATTRACTING QUALITY TEACHERS

Projects That Improve Student Success

Goals and Purposes:

This measure will provide our high school's **vocational and career education programs** with the **upgraded** and expanded **classrooms and equipment** necessary to **train for jobs** in nursing, law enforcement, firefighting and paramedics, cyber security, construction, agriculture, trucking and

transportation and other in demand future careers **so students who don't plan to go to college will have the skills they need to compete for good paying jobs after graduation.**

This measure will ensure that all students continue to have access to computers and instructional technology in the classroom to promote an education with a **strong foundation in science, technology, engineering, and math.** It will upgrade electrical wiring and classroom Internet access to help the District provide competitive twenty-first century learning at each school.

- Provide the modern classrooms, labs and technology needed to support high quality instruction in math, science, engineering, and technology.
- Provide modern classrooms and labs for career technical education so students are prepared for in-demand careers.

In addition to the projects listed above, the repair and renovation of each of the District's existing schools and facilities, may include, but not be limited to, some or all of the following: add or renovate student and staff restrooms; repair and replace electrical, plumbing, heating, ventilation and air conditioning systems; upgrade of facilities for energy efficiencies; repair and replace worn-out and deteriorated roofs, windows, walls, floors, doors and drinking fountains; construct or renovate offices and facilities for professional development of teachers, more efficient administration and multi-purpose learning spaces and libraries; install wiring and electrical systems to safely accommodate computers, technology and other electrical devices; upgrade or construct support facilities including administrative, physical education, music, art, visual and performing and fine arts classrooms or facilities, outdoor amphitheaters, science, computer labs/classrooms, auditoriums, stadiums, libraries and buildings, swing space, covered eating areas, shade structures, maintenance and operations facilities and yards; repair and replace fire alarms, emergency communications and security systems; improve facilities to satisfy ADA requirements; resurface or replace asphalt, broken concrete and improve hard courts, turf and irrigation/drainage systems, all-weather outdoor tracks and campus landscaping; install signage, fencing and solar panels; expand parking and drop-off areas; improve all site utilities; acquire land; construct new school buildings; upgrade or replace interior and exterior painting, floor covering (including carpets), portable classrooms and school facades; demolition; upgrade central and finishing kitchens, food service, and school cafeterias; construct various forms of storage and support spaces and classrooms; improve outdoor learning environments and quads; repair, upgrade and install interior and exterior lighting systems; construct, acquire or improve playgrounds, play structures, athletic fields, courts, gymnasiums, tracks and facilities to support student health, fitness and safety, lockers, and other facilities serving District students; replace outdated security fences and security systems (including access control systems), provide lunch shelters, upgrade music, art, performing arts and vocational education classrooms, multi-purpose rooms, learning, media, fitness and wellness centers; add or upgrade parking lots. In addition to the listed projects stated above, the Project List also includes the acquisition of a variety of instructional, maintenance and operational equipment, including the reduction or retirement of outstanding lease obligations and interim funding incurred to advance fund projects from the Project List; payment of the costs of preparation of all facility planning, facility studies, assessment reviews, facility master plan preparation and updates, environmental studies (including environmental investigation, remediation and monitoring), design

and construction documentation, and temporary housing of dislocated District activities caused by construction projects.

The upgrading of technology infrastructure includes, but is not limited to, network rewiring, cabling, computers, mobile interface devices, data centers, switches, routers, modules, sound projection systems, public address systems, laser printers, digital white boards, document projectors, upgrade voice-over-IP, clock/telephone/ intercom systems, call manager and IT security, wireless technology systems, refresh classroom technology, acquire necessary software and miscellaneous IT and instructional equipment, data storage, phones, identity cards and the construction and installation of a data center in the cloud for the District enterprise systems, such as resource planning, websites, domain name systems, cloud applications and information security.

The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans and construction documents are finalized, construction bids are received, construction contracts are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of portable classrooms and existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses. Necessary on-site and off-site improvements, site preparation and restoration may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation or drainage systems, traffic signals, sewer or utility lines, trees and landscaping, relocating fire access roads, road widening, and acquiring any necessary easements, licenses, permits or rights of way to the property. The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, legal fees and similar planning costs, connection fees, permit fees, program/project management, staff training expenses and a customary contingency for unforeseen design and construction costs. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to bond projects. Bond proceeds shall only be expended for the types of projects and 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 § 53410.

FISCAL ACCOUNTABILITY: THIS MEASURE REQUIRES A CLEAR SYSTEM OF ACCOUNTABILITY, INCLUDING A PROJECT LIST DETAILING HOW THE MONEY WILL BE USED, A CITIZEN'S OVERSIGHT COMMITTEE, AND INDEPENDENT AUDITS TO ENSURE MONEY IS SPENT PROPERLY.

IN ACCORDANCE WITH EDUCATION CODE SECTION 15272, THE BOARD OF TRUSTEES WILL APPOINT A CITIZENS' OVERSIGHT COMMITTEE AND CONDUCT ANNUAL INDEPENDENT AUDITS TO ASSURE THAT FUNDS ARE SPENT ONLY ON DISTRICT PROJECTS AND FOR NO OTHER PURPOSE. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS

ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

NO ADMINISTRATOR SALARIES: PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED BY THIS PROPOSITION SHALL BE USED ONLY FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, OR REPLACEMENT OF SCHOOL FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF SCHOOL FACILITIES, AND NOT FOR ANY OTHER PURPOSE, INCLUDING TEACHER AND SCHOOL ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES.