RESOLUTION NO. 1342-16

RESOLUTION OF THE BOARD OF EDUCATION OF THE
CHICO UNIFIED SCHOOL DISTRICT
ORDERING A SCHOOL BOND ELECTION,
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER,
AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS

WHEREAS, the Chico Unified School District (the “District”) Board of Education (the “Board”) is authorized to order elections within the District and to designate the specifications thereof, pursuant to Education Code sections 5304 and 5322;

WHEREAS, the Board is further authorized to order elections, pursuant to Education Code sections 15264 et seq., for the purpose of submitting to the electors the question of whether District bonds (“Bonds”) shall be issued and sold for specified purposes;

WHEREAS, the Board deems it necessary and advisable to submit a bond measure to the electors that, if approved by the requisite number of electors voting on the measure, would permit the District to issue the Bonds; and

WHEREAS, it is desirable that the election to determine whether the Bonds shall be issued and sold be consolidated with such other election or elections as may be held on the same day in the same territory or in territory that is in part the same;

NOW, THEREFORE, the Board does hereby resolve, determine, and order as follows:

Section 1. Election Order; Ballot Measure. Pursuant to Education Code sections 5304, 5322 and 15264 et seq. and Article XVI, Section 18(b), of the California Constitution, an election shall be held within the boundaries of the District on November 8, 2016, submitting to the voters of the District the question of whether Bonds of the District in the amount of $152,000,000 shall be issued and sold for the purposes of constructing, modernizing and improving schools operated by the District and schools operated by charter schools serving students within the District. Specifically, Bond proceeds shall be utilized for the purposes of financing (a) the construction, reconstruction, rehabilitation, or replacement of public school facilities, (b) the furnishing and equipping of such school facilities, and (c) the acquisition or lease of real property for such school facilities, all as identified in the full text of the ballot measure, set forth in Exhibit A attached hereto and incorporated herein by reference, under the heading “School Facilities Projects to Be Funded with Proceeds of Bonds” (the “Financed Facilities”). Fifteen and thirty-four hundredths percent (15.34%) of the Bond proceeds shall be available to pay the costs of Financed Facilities for charter schools. The Bonds proposed to be issued and sold shall bear interest at a rate not exceeding the statutory limit, and the number of years any Bonds are to run shall not exceed twenty-five (25) years from the date of the Bonds or the date of any series thereof if the Bonds are issued pursuant to the Education Code and shall not exceed forty (40) years from the date of the Bonds or the date of any series thereof if the Bonds are issued pursuant to Government Code sections 53506 et seq.
Section 2. Use of Bond Proceeds; Facilities Specifications; Audit Requirements.

(a) Use of Bond Proceeds. Proceeds from the sale of the Bonds may be used only for the purposes specified in Article XIII A, Section 1(b)(3) of the California Constitution.

(b) Specification of Facilities. The Board hereby certifies that it evaluated safety, class size reduction, and information technology needs in developing the list of the Financed Facilities.

(c) Completion of Facilities. Passage of the District's bond measure does not guarantee that all Financed Facilities listed in the measure, as set forth in Exhibit A, will be completed. In addition, certain Financed Facilities projects may require state matching funds. State matching funds may be subject to appropriation by the Legislature or approval of a statewide bond measure.

(d) Performance Audit. The Board shall conduct an annual, independent performance audit to ensure that the Bond funds have been expended only on the specific Financed Facilities listed.

(e) Financial Audit. The Board shall conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of the proceeds have been expended for the Financed Facilities.

Section 3. Government Code Accountability Requirements. Pursuant to Government Code sections 53410 and 53411, the District hereby finds or directs that:

(a) Purpose. The purpose of the Bonds is to fund the Financed Facilities, as listed in Exhibit A;

(b) Proceeds. The bond proceeds shall only be used on the Financed Facilities;

(c) Accounts. All proceeds of the Bonds shall be placed in a separate account or accounts; and

(d) Annual Reports. The chief financial officer of the District shall issue an annual report to the Board containing the amount of funds collected and expended as well as the status of the Financed Facilities.

Section 4. Vote Required. Pursuant to Section 18(b) of Article XVI and Section 1 of Article XIII A of the California Constitution, the bond measure shall become effective only upon the affirmative vote of fifty-five percent (55%) of those voters voting on the measure.

Section 5. County Registrar of Voters to Conduct Election. Pursuant to Education Code section 5303, the Butte County (the "County") Registrar of Voters is hereby requested to take all steps to prepare for and hold the election within the boundaries of the District in accordance with law and these specifications.
Section 6. Consolidation with Other Elections. Pursuant to Sections 5342, 15121, and 15266 of the Education Code and Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the County Board of Supervisors is requested to order consolidation by the County Registrar of Voters of the school bond election with the other elections to be held on the same day in the same territory or in territory that is in part the same. Pursuant to Section 10403 of the Elections Code, the Board hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed by Section 10418 of the Elections Code.

Section 7. Canvass of Returns. The County Board of Supervisors is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

Section 8. Services of Registrar of Voters. 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 to render all services incident to the preparation for and holding of the election, for which services the District agrees to reimburse the County with such services to include the publication of a notice of school bond election, and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and the Elections Code.

Section 9. Abbreviated Statement of the Bond Measure. The abbreviated statement of the bond measure is included in Exhibit A under the heading “Abbreviated Ballot Measure.” The District hereby requests the County Registrar of Voters to publish the abbreviated statement of the bond measure, as appropriate, and to designate the measure on the ballot by a letter printed on the left margin of the square containing the abbreviated statement of the measure as provided in Section 13116 of the Elections Code.

Section 10. Full Text of the Measure. The District hereby requests the Registrar of Voters to publish the full text of the measure set forth in Exhibit A in the ballot pamphlet materials as appropriate.

Section 11. Specifications of the Election Order. The foregoing specifications of the election order are made pursuant to Section 5322 of the Education Code.

Section 12. Delivery of Specifications of the Election Order. The District's Superintendent is hereby directed to deliver not later than July 21, 2016, a certified copy of this resolution and the tax rate statement to the County Registrar of Voters and a copy of this resolution to the County Board of Supervisors.

Section 13. General Authorization with Respect to the Bond Election. The members of the District's Board, the Superintendent, the Assistant Superintendent, Business Services, and the other officers of the Board and the District are hereby authorized and directed, individually and collectively, to do any and all things, to execute, deliver, and perform any and all agreements and documents they deem necessary or advisable in order to effectuate the purposes of this Resolution, including, without limitation, to prepare and submit for inclusion in the voter information pamphlet a tax rate statement and an argument in favor of passage of the ballot measure. All actions heretofore taken by the officers and agents of the District that are in
conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

Section 14. **State Matching Funds.** Certain of the Financed Facilities require state matching funds for the completion of any phase thereof. Approval of the District's bond measure does not guarantee that the proposed Financed Facilities will be funded beyond the local revenues generated by the measure. The District's proposal for the Financed Facilities may assume receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

Section 15. **Citizens' Oversight Committee.** It is the intent of the Board that a citizens’ oversight committee be appointed to ensure that the proceeds of the Bonds are spent only for the specific purposes and projects identified in this Resolution. The membership requirements and operating procedures for such committee shall be established in the bylaws of such committee, as approved by the Board, in accordance with the requirements of law.

Section 16. **Official Intent to Reimburse Expenditures.** The District intends to undertake the acquisition, construction, renovation, furnishing, and equipping of the Financed Facilities projects as described in Exhibit A. The District intends to use the proceeds of its general obligation bonds described in this resolution to finance the Financed Facilities projects. The District may pay certain capital expenditures (the “Reimbursement Expenditures”) in connection with the Financed Facilities projects prior to the issuance of the Bonds. The District reasonably expects that Bonds in an amount not expected to exceed $152,000,000 will be issued by it for the purpose of financing the Financed Facilities projects on a long-term basis and that certain of the proceeds of such debt obligations may be used to reimburse the District for the Reimbursement Expenditures.

The Board hereby declares the District’s official intent to use a portion of the proceeds of the Bonds to reimburse the District for the Reimbursement Expenditures. The foregoing statement is a declaration of official intent that is made under and only for the purpose of establishing compliance with the requirements of Treasury Regulations section 1.150-2.

Section 17. **Tax Rate Statement.** The Board hereby approves the form of the tax rate statement attached hereto as Exhibit B and incorporated herein by reference. The District hereby requests the County Registrar of Voters to publish the tax rate statement contained in Exhibit B.

Section 18. **Identification of Professional Service Firms.** Kronick, Moskovitz, Tiedemann & Girard, a Professional Corporation, is bond and disclosure counsel to the District for the issuance and sale of the bonds.

Section 19. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

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PASSED AND ADOPTED by the following vote of the members of the Board of Education of the Chico Unified School District this 22nd day of June, 2016:

AYES:

NOES:

ABSTAIN:

ABSENT:

\[Signature\]
President of the Board of Education

ATTEST:

\[Signature\]
Secretary of the Board of Education
EXHIBIT A

FULL TEXT OF THE MEASURE

Upon the passage of Measure____, the Chico Unified School District (the “District”) shall be authorized to issue bonds in the aggregate amount of $152,000,000, bearing interest at rates not exceeding the statutory limit, for the purpose of funding the school facilities projects listed below under the heading “School Facilities Projects to Be Funded with Proceeds of Bonds” (the “Bond Project List”).

Background

The Board of Education of the District (the “Board”) is committed to providing a modern learning environment in local schools with safe, secure, upgraded classrooms and science labs which keep pace with 21st Century technologies and learning standards. The Board recognizes the need to modernize facilities so Chico Unified School District schools can meet the demands of current and future students. The Board adopted a long-term Facilities Master Plan on April 15, 2014, and has updated that plan as of May 18, 2016. The development of this plan included input from the community, teachers, staff, parents and students. Said plan is available for review at the District office and incorporated into the Bond Project List by this reference.

Proposition 39 Bond Accountability Measures

At its June 22, 2016, meeting, the Board certified that it evaluated safety, class size reduction, and information technology needs in developing the Bond Project List set forth below. The proceeds of the Bonds shall be used only for the projects identified in the Bond Project List, and not for any other purpose (i.e., teacher and administrative salaries and other school operating expenses).

The District will deposit the proceeds of the bonds in a separate account. The Board is bound to conduct financial and performance audits annually to account for the bond funds and to assure that funds have only been expended on the specific projects authorized. The District shall prepare and deliver an annual report to the Board containing the amount of funds collected and expended as well as the status of school facilities projects authorized to be funded by proceeds of the Bonds.

The Board will appoint a citizen’s oversight committee (the “Committee”) having a minimum seven members and including at least one member active in a business organization representing the business community located within the District, one member active in a senior citizens’ organization, one member active in a bona fide taxpayers’ organization, one member who is the parent or guardian of a child enrolled in the District, and one member who is both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization.

School Facilities Projects to Be Funded with Proceeds of Bonds

The Bond Project List below describes the specific projects the Chico Unified School District proposes to finance with proceeds of the bonds. The District’s goals are to provide equity among district schools so each student has similar facilities and educational opportunities. Listed projects will be completed as needed at a particular school site according to Board-established
priorities, and the order in which such projects appear on the Bond Project List is not an indication of priority for funding or completion. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. Certain construction funds expected from non-bond sources, including State grant funds for eligible projects, have not yet been secured. Until all project costs and funding sources are known, the Board cannot determine the amount of bond proceeds available to be spent on each project, nor guarantee that the bonds will provide sufficient funds to allow completion of all listed projects. Completion of some projects may be subject to further government approvals or appropriation by State officials and boards, to local environmental review, and to input from the public. For these reasons, inclusion of a project on the Bond Project List is not a guarantee that the project will be funded or completed. Bond proceeds will be expended to repair, modernize, replace, renovate, expand, construct, acquire, equip, furnish and otherwise improve the classrooms and school facilities of the District's existing schools, new school sites, and other district-owned properties to provide equity among campuses, improved facilities, and student access to instructional technology. Unless otherwise noted, the projects in the Bond Project List are authorized to be completed at each or any of the District's sites, as shall be approved by the Board. Projects listed may or may not apply at every site.

PART ONE

The Board adopted a long-term Facilities Master Plan on April 15, 2014, and has updated that plan as of May 18, 2016, which is incorporated herein in its entirety. Consistent with that plan and unless otherwise noted, the following types of projects are authorized to be completed as needed at each or any of the public school sites in the District boundaries in compliance with the laws of the State of California:

Building Systems Repair and Replacement

Complete major electrical, infrastructure, plumbing, sewage, structural, HVAC, and landscaping repair, upgrades and renovations to school sites, including but not limited to:

- Replace or upgrade outdated electrical systems, aging wiring and insufficient electrical panels,
- Repair or replace deteriorated plumbing and underground sewer systems,
- Repair or replace aging and/or leaky roofs,
- Repair or replace outdated, inefficient heating, ventilation and air cooling systems to provide safe learning environments, save energy and reduce maintenance costs,
- Repair or restore classroom and building interior and exterior finishes and fixtures,
- Repair or replace cracked and broken sidewalks, hardscape and exterior infrastructure,
- Resurface, repair or upgrade asphalt parking lots, playground areas, and
- Repair or replace doors and windows.

School Improvements to Support Student Learning and Instruction

- Renovate existing inadequate classrooms and support facilities to include new interior and exterior finishes,
- Remove portable classroom buildings and replace where necessary with permanently constructed classroom buildings,
- Demolish outdated facilities or facilities to be replaced,
- Expand classroom capacity and school facilities to accommodate growth.
- Acquire real property,
- Provide up-to-date classroom and instructional technology required for 21st century student learning and teaching,
- Modernize or replace student support facilities to include, but not limited to libraries, multi-purpose, student services and administration facilities,
- Upgrade and expand information systems and technology to support 21st century classrooms including telecommunications, internet and networking equipment,
- Upgrade wired and wireless infrastructure and equipment to support technology systems and leverage federal and state matching funds for school technology programs,
- Provide, expand or improve facilities to meet the needs of special education students,
- Repair or replace student and staff restrooms,
- Improve and install playfields for student and community use, to include joint-use,
- Repurpose existing school buildings consistent with educational programs, and
- Improve physical education, athletic facilities and fields, including spectator bleachers, sound systems and lighting.

**School Improvements to Support Student Health, Safety & Security**
- Replace obsolete fire alarms and outdated emergency communication systems,
- Remove, remediate and abate asbestos, mold, and other potentially dangerous substances,
- Provide school site security improvements, including increased lighting, fencing and vandalism and intrusion safeguards,
- Upgrade Emergency Communication Systems,
- Purchase Maintenance and Operational Equipment to protect the investment of improvements,
- Install shade structures and furnishings for outdoor activities and dining,
- Expand and improve student drop-off/pick-up areas,
- Upgrade and/or install heating and air cooling systems, and
- Upgrade and expand student food service areas and kitchens.

**Improve School Accessibility & Code Compliance Upgrades**
- Improve accessibility for disabled persons to comply with Americans with Disabilities Act (ADA) and Title 24,
- Repair, replace or expand restrooms to improve accessibility,
- Repair or replace drinking fountains
- Modernize and renovate physical education facilities, playgrounds and fields to comply with Title IX gender equality requirements, and
- Repair portable classrooms to comply with code requirements.

**Energy Efficiency and Sustainability**
- Install and/or replace existing lighting fixtures with energy efficient (LED/fluorescent) lighting systems,
- Install solar lighting systems,
• Increase building insulation and install dual-pane windows,
• Update Energy Management Systems and Controls,
• Replace older inefficient mechanical and central controls systems with energy efficient systems,
• Purchase and install solar panels and other devices to generate and/or store electricity from sunlight where feasible,
• Install innovative systems to produce energy and/or reduce consumption, and
• Install water saving efficient toilets and fixtures.

PART TWO

Phases I and II of the Facilities Master Plan have already been completed. The funding provided by the Bonds is expected to be exhausted between Phase IV and V. Projects have been phased in order of Board-approved criteria. The Board has the authority to modify the order in which the projects are completed, as necessary, to react to programmatic or enrollment shifts.

Specific projects as described in the Board-adopted Facilities Master Plan include projects at the following sites:

Phase III:
Marigold Elementary School/Loma Vista Preschool
Neal Dow Elementary School
Shasta Elementary School
Chico High School Athletics
Pleasant Valley High School Athletics

Phase IV:
Emma Wilson Elementary School
Hooker Oak Elementary School
Rosedale Elementary School
Sierra View Elementary School
Pleasant Valley High School

Phase V:
Chapman Elementary School
Little Chico Creek Elementary School
McManus Elementary School
Parkview Elementary School
Fairview High School
Citrus Elementary School

Phase VI:
Chico High School
Pleasant Valley High School
Bidwell Middle School
Marsh Middle School
Chico Junior High School
Chico High School Athletics
Pleasant Valley High School Athletics

PART THREE

15.34% of the Bond proceeds shall be available to pay the costs of financed facilities for charter schools serving in-district students.

The Board of Education shall consider recommendations of a special committee established by the District and comprised of a majority of representatives of the charter schools within the district’s boundaries regarding expenditures of bond proceeds for financed facilities for charter schools.

In order to maximize the effectiveness of the bond proceeds in meeting the need for public school facilities, charter schools for which facilities will be financed shall be allowed maximum flexibility in the development of such facilities, so long as consistent with State laws applicable to charter school facility projects and Board approval.

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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 § 53410.

Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, 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, but not for other administrator or teacher salaries.

Bond proceeds may be used to pay for the annual financial and performance audits as well as bond issuance costs.

Project costs may include 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.

Necessary site preparation/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, utility lines, trees and landscaping; installing signage and fencing; relocating fire access roads; and acquiring any necessary easements, licenses, or rights of way to the property.

For any project involving modernization or renovation of a building, the District may proceed with new replacement construction if the Board determines that replacement and new construction is economically more practical.
The allocation of Bond proceeds will be affected by the District's receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will aggressively pursue to reduce the District's share of the costs of the projects, the District will not be able to complete some of the projects listed above.

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.

The Bond Project List shall be considered a part of this ballot proposition, and shall be reproduced in any official document required to contain the full statement of the bond proposition.

Abbreviated Ballot Measure

The abbreviated ballot measure reads as follows:

**MEASURE**: “To improve the quality of local public education by preventing overcrowding at elementary schools and providing safe schools through repairing or replacing leaky roofs and outdated electrical and plumbing systems, upgrading, modernizing and constructing classrooms and science labs, improving student access to technology and improving access for students with disabilities shall Chico Unified School District issue $152,000,000 of bonds at legal rates, including independent citizens' oversight, audits, all funds staying local and NO money for administrative salaries?”

**BONDS - YES** **BONDS - NO**
EXHIBIT B
TAX RATE STATEMENT

An election will be held in the Chico Unified School District (the “District”) on November 8, 2016, to authorize the sale of up to $152,000,000 in bonds of the District to modernize and improve schools within the District. Specifically, bond proceeds shall be utilized for the purposes of financing the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing, and equipping of school facilities, or the acquisition or lease of real property for school facilities.

If the bonds are authorized and sold, debt service thereon will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with sections 9400-9404 of the Elections Code of the State of California. It is anticipated that the District will sell the bonds in four (3) separate series.

1. The best estimate of the tax that would be required to be levied to fund this bond issue during the first fiscal year after the first sale of the bonds, based on estimated assessed valuations available at the time of filing of this statement, is 6¢ per $100 ($60 per $100,000) of assessed valuation in fiscal year 2017–2018.

2. The best estimate of the tax that would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 6¢ per $100 ($60 per $100,000) of assessed valuation in fiscal year 2023–2024.

3. The best estimate of the highest tax rate that would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is 6¢ per $100 ($60 per $100,000) of assessed valuation.

4. The best estimate of the total debt service, including principal and interest, that would be required to be repaid if all the bonds are issued and sold is $270,000,000.

The estimated rates presented above apply only to the taxes levied to pay bonds authorized by this measure. Additional taxes will be levied to pay bonds issued pursuant to previous, concurrent, and future authorizations.

Voters should note that the estimated tax rates are based on the ASSESSED VALUE of taxable property on the County’s official tax rolls, not on the property’s market value. Property owners should consult their own property tax bills to determine their property’s assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District’s projections and estimates only, which are not binding upon the District. The actual tax rates, the years in which they will apply, and the total debt service may vary due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds.
The dates of sale and the amount of bonds sold at any given time will be determined by the District based on the need for construction funds and other factors, including the legal limitations on bonds approved by a 55% vote. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

Dated: June 22, 2016

Kelly Staley, Superintendent
Chico Unified School District
CERTIFICATION

I, Kelly Staley, Secretary of the Board of Education of the Chico Unified School District, Butte County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly approved and adopted by the Board of Education of the District at a regular meeting held on June 22, 2016, of which meeting all the members of the Board of Education had due notice and at which a majority thereof were present, and that at the meeting the resolution was adopted by the following vote:

AYES:  Hovey, Griffin, Kaiser, Loustale, Robinson

NOES:  None

ABSENT:  None

ABSTAIN:  None

An agenda for the meeting was provided at least seventy-two (72) hours before the regular meeting to all members of the Board of Education and was available to local media outlets. Further the agenda was posted at least seventy-two (72) hours before the regular meeting at the District at 1163 East Seventh Street, Chico, California, a location freely accessible to members of the public, and a brief description of the resolution appeared on the agenda.

I have carefully compared the foregoing resolution with the original minutes of the meeting on file and of record in my office, and the foregoing is a full, true, and correct copy of the original resolution adopted at the meeting and entered in the minutes.

Dated:  June 22, 2016

Kelly Staley,
Secretary of the Board of Education
Chico Unified School District