Thermalito Union School District Requests Consolidation of Measure on Ballot

The Thermalito Union School District Board of Education submits Resolution No. 17-18-16 (attachment 1), ordering a special school bond election, establishing specifications of the election order, and requesting consolidation of the election with the statewide General Election to be held on November 6, 2018 within the boundaries of the school district. The special election calls for a school bond measure to be placed on the ballot.

If approved by 55% or more of the votes cast on the measure, the District shall be authorized to issue and sell bonds in the amount of $4,500,000 to provide financing for specific school facilities projects.

Fiscal Impact:

Costs incurred during the November 6, 2018 General Election are prorated on the basis of the level of services provided to each participating entity that is consolidated on the ballot. The expenditures and anticipated revenues are included in the 2018-19 fiscal year budget. The District will reimburse the County for costs.

Personnel Impact:

No personnel impact.

Action Requested:

Approve Consolidation.
RESOLUTION NO. 17-18-16

RESOLUTION OF THE BOARD OF TRUSTEES OF THE THERMALITO UNION ELEMENTARY SCHOOL DISTRICT ORDERING AN ELECTION TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCurring ON NOVEMBER 6, 2018

WHEREAS, the Thermalito Union Elementary School District (the “District”) in Butte County (the “County”), State of California, is committed to providing quality education to its students; and

WHEREAS, in the judgment of the Board of Trustees (the “Board”) of the District, it is advisable to call an election to submit to the electors of the District the question of whether bonds of the District shall be issued and sold for the purpose of raising money for the acquisition and improvement of real property and the furnishing and equipping of school facilities of the District; and

WHEREAS, the Board is authorized, upon a two-thirds vote of the Board, to pursue the authorization and issuance of bonds by a 55% vote of the electorate on the question of whether bonds of the District shall be issued and sold for specified purposes, under Article XIII A Section 1 paragraph (b) of the California Constitution (“Article XIII A”) and under Education Code Section 15264 et seq. (the “Act”); and

WHEREAS, under the Act, the election may be ordered at a primary or general election, a regularly scheduled local election, or a statewide special election; and

WHEREAS, under Section 10403 et seq. of the California 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 6, 2018, the date of the statewide general election, and to request the Butte County Registrar of Voters (the “County Registrar”) to perform certain election services for the District; and

WHEREAS, in connection with the calling of a bond election and in accordance with Education Code Section 15100 subparagraph (c), the Board has obtained reasonable and informed projections of assessed property valuations that take into consideration projections of assessed property valuations made by the County assessor; and

WHEREAS, United States Income Tax Regulations section 1.150-2 provides generally that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt unless certain procedures are followed, one of which is a requirement that (with certain exceptions), prior to the payment of any such expenditure, the issuer declares an intention to reimburse such expenditure; and

WHEREAS, the Board wishes at this time to take the necessary actions to declare its official intent to reimburse the expenditures referenced herein from the proceeds of bonds issued pursuant to voter authorization;
NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE THERMALITO UNION ELEMENTARY SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Call for Election. The Board hereby orders an election and submits to the electors of the District the question of whether general obligation bonds of the District shall be issued and sold in a maximum principal amount of $4.5 million (the "Bonds") for the purposes described in the ballot measure approved under Section 3 and attached hereto as Appendix A and Appendix B, and paying all costs incident thereto. This Resolution constitutes the order of the District to call such election and shall constitute the "specifications of the election order" pursuant to Education Code Section 5322.

Section 3. Election Date. The date of the election shall be November 6, 2018, and such bond election shall be held solely within the boundaries of the District. The boundaries of the District have not changed since the District's last election.

Section 4. Purpose of Election; Ballot Measure. The purpose of the election shall be for the voters in the District to vote on a bond measure, the full text of which is attached hereto as Appendix A (the "Full Text of the Measure"). The Full Text of the Measure, which commences with the heading "FULL TEXT OF BOND MEASURE" and includes all of the text thereafter on Appendix A, shall be printed in the voter information pamphlet provided to voters, with such measure designation as is assigned to the measure. As required by Education Code Section 5322 and Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto as Appendix B.

The President of the Board, the Superintendent and the Assistant Superintendent of Business and Operations, are hereby each separately authorized and directed to make any changes to the abbreviated text of the measure as presented on Appendix B to conform to any requirements of the Act or the County Registrar, or otherwise upon the advice of its legal counsel. The preceding sentence is intended to include revisions reflecting changes in applicable law effective after the date of adoption of this Resolution. The Superintendent and the Assistant Superintendent of Business and Operations are each separately authorized and directed to deliver revisions to the appendices hereto to the County Registrar, through changed pages submitted under cover letter executed by the Superintendent or Assistant Superintendent of Business and Operations, or otherwise as required by the County Registrar.

Section 5. Authority for Election. The authority for ordering the election is contained in Section 15264 et. seq. of the Act and Section 1 paragraph (b) subsection (3) of Article XIII A. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

Section 6. Proceeds for School Facilities Projects. The Board certifies that the proceeds from the sale of the Bonds will be used only for the purposes specified in Section 1(b)(3) of Article XIII A and as further specified in Appendix A, and not for any other purpose, including teacher salaries and other school operating expenses. Further, as required by Article XIII A, the Board hereby certifies that it has evaluated safety, class
size and information technology needs in developing the list of school facilities projects set forth in Appendix A.

Section 7. Covenants of the Board upon Approval of the Bonds by the Electorate; Accountability Measures. As required by Article XIII A, Section 15278 of the Act, and Government Code Section 53410, in the event 55% of the voters voting in the District approve of the Bonds, the Board shall:

(a) conduct an annual, independent performance audit to ensure that the funds have been expended only on the projects listed in Appendix A;

(b) conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the school facilities projects listed in Appendix A;

(c) establish and appoint members to an independent citizens’ oversight committee in accordance with Sections 15278, 15280, and 15282 of the Act;

(d) apply the Bond proceeds only to the specific purposes stated in the ballot proposition;

(e) cause the creation of accounts into which bond proceeds shall be deposited; and

(f) cause the preparation of an annual report pursuant to Government Code Sections 53410 and 53411.

Section 8. Statement Regarding State Matching Funds. The District anticipates that matching funds from the State of California, if available, may be required to complete a portion of the projects identified in Appendix A. As required pursuant to Education Code Section 15122.5, the following statement shall appear on the ballot: “Approval of this measure does not guarantee that the proposed project or projects that are the subject of bonds under this measure will be funded beyond the local revenues generated by this measure. The District's proposal for the project or projects described below may assume the receipt of matching state funds, which, if available, could be subject to appropriation by the Legislature or approval of a statewide bond measure.”
Section 9. Delivery of this Resolution. The Clerk of the Board is hereby
directed to send a copy of this Resolution to (1) the Butte County Superintendent of
Schools, (2) the County Registrar, and (3) the Clerk of the Board of Supervisors of the
County. Pursuant to Education Code Section 5322, the Resolution shall be received by
the County Registrar no later than 88 days prior to the election date, unless otherwise
permitted by law.

The County Registrar is hereby requested to print the full text of the ballot measure
in the ballot materials as it appears on Appendix A, and to provide all required notices of
the election and other notices related thereto.

Section 10. Consolidation of Election; Request to Provide Services. The
County Registrar and the Butte County Board of Supervisors are hereby requested to
consolidate the election ordered hereby with any and all other elections to be held on
November 6, 2018 within the District.

Pursuant to Section 5303 of the Education Code and Section 10002 of the
Elections Code, the Board of Supervisors of the County is requested to permit the County
Registrar to render all services specified by Section 10418 of the Elections Code relating
to the election, for which services the District agrees to reimburse the County in full upon
presentation of a bill from the County, such services to include the publication of a formal
Notice of School Bond Election and the mailing of the sample ballot and tax rate statement
(described in Section 9401 of the Elections Code).

Section 11. Ballot Arguments. As provided in Elections Code Section 9501, 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.

Section 12. Tax Rate Statement. Pursuant to Elections Code Section 9401, a
tax rate statement has been prepared in the form attached hereto as Appendix C (the "Tax
Rate Statement"), which form of Tax Rate Statement is hereby approved for inclusion in
the sample ballot. The President of the Board, the Superintendent, or any written
designee of the Superintendent, is hereby authorized to finalize and execute the Tax Rate
Statement, and to file said statement with the County Registrar, in accordance with
Section 9 hereof. The Board hereby finds that the estimates and projects contained in the
Tax Rate Statement and in the measure as presented on Appendix A have been made
based on currently available information, but depend on a number of variables which are
subject to change. Such estimates and projections have been made in good faith, and
are not binding or intended to serve as limitations on the terms of the bonds.

Section 13. Maturity Limit of Bonds. The Bonds may be issued in series by the
District from time to time, and each series of Bonds shall mature not more than the legal
limit at the time of such issuance thereof. The Bonds shall be issued under the Act, under
the provisions of Section 53506 et seq. of the California Government Code, or under any
other provision of law authorizing the issuance of general obligation bonds by school
districts.

Section 14. Reimbursement. The District hereby declares that it may (i) pay
certain costs of the projects listed in Appendix A prior to the date of issuance of bonds
and, in such case, (ii) intends to use a portion of the proceeds of bonds for reimbursement
of expenditures for the projects that are paid before the date of issuance of bonds.
Section 15. Estimates Included in Ballot Materials. The measure authorized by this Resolution includes information required by law to be presented to District voters regarding the expected amount of money to be raised annually to pay issued bonds, the estimated rate of the approved tax per $100 of assessed valuation, and the period through which the proposed tax will be levied and collected. Such estimates have been provided by the District in good faith based upon information currently available to the District. The approximations and estimates depend on numerous variables which are subject to variation and change over the term of the District’s overall facilities and bond financing plan. As such, while such estimates and approximations have been provided in accordance with legal requirements and the District’s current expectations, such estimates and approximations are not intended by the Board to be additional restrictions on the District’s bond program and bond issuances, and, other than the total principal amount of bonds authorized to be issued by the bond measure, do not represent legal maximums or additional limitations on bond issuance and are not binding upon the District.

Section 16. Engagement of Professional Services. The Superintendent is authorized and directed to execute agreements with the financial advisory firm of Isom Advisors, a Division of Urban Futures, Inc. and the law firm of Jones Hall, A Professional Law Corporation, which firms are hereby appointed to perform financial advisory and bond counsel and disclosure counsel services, respectively, in connection with the Bonds.

Section 17. Official Actions. The President of the Board, the Superintendent, or any written designee of either, are hereby separately authorized and directed to execute and deliver to County officials any directions, requisitions or other writings, and to make any changes to the texts of the measure as described herein and in the Tax Rate Statement, to conform to any legal requirements or the County Registrar, in order to cause the election to be held and conducted in the District.

Section 18. Effective Date. This resolution shall take effect on and after its adoption.
The foregoing Resolution was adopted by the Board of Trustees of the Thermalito Union Elementary School District of Butte County, being the governing board authorized by law to make the designations therein contained, by the following vote, on June 19, 2018.

Adopted by the following votes:

AYES: 5

NOES: ø

ABSENT: ø

ABSTAIN: ø

Attest:

[Signature]

President of the Board

[Signature]

Clerk of the Board
APPENDIX A

FULL TEXT OF BOND MEASURE

BOND AUTHORIZATION

By approval of this measure by at least 55% of the registered voters voting on the measure, the District will be authorized to issue and sell bonds of up to $4.5 million in aggregate principal amount at interest rates not to exceed legal limits and to provide financing for the specific types of school facilities projects listed in the Bond Project List included below, subject to all the accountability requirements specified below.

ACCOUNTABILITY REQUIREMENTS

The provisions in this section are specifically included in this measure in order that the voters and taxpayers in the District may be assured that their money will be spent wisely. Expenditures to address specific facilities needs of the District will be in compliance with the requirements of Article X11A, Section 1(b)(3), of the State Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following.)

Evaluation of Needs. The Board of Trustees of the District has identified detailed facilities needs of the District and has determined which projects to finance from a local bond. The Board of Trustees hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List included below.

Independent Citizens' Oversight Committee. Following approval of this measure, the Board of Trustees will establish an independent citizens' oversight committee, under California Education Code Sections 15278 and following, to ensure bond proceeds are expended only on the types of school facilities projects listed below. The committee will be established within 60 days of the date when the results of the election appear in the minutes of the Board of Trustees.

Performance Audits. The Board of Trustees will conduct annual, independent performance audits to ensure that the bond proceeds have been expended only on the school facilities projects listed below.

Financial Audits. The Board of Trustees will conduct annual, independent financial audits of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed below.

Government Code Accountability Requirements. As required by Section 53410 of the Government Code, (1) the specific purpose of the bonds is set forth in this Full Text of the Measure, (2) the proceeds from the sale of the bonds will be used only for the purposes specified in this measure, and not for any other purpose, (3) the proceeds of the bonds, when and if issued, will be deposited into a building fund to be held by the Butte County Treasurer, as required by the California Education Code, and (4) the Superintendent of the District shall cause an annual report to be filed with the Board of Trustees of the District not later than January 1 of each year, which report shall contain...
pertinent information regarding the amount of funds collected and expended, as well as the status of the projects listed in this measure, as required by Sections 53410 and 53411 of the Government Code.

**NO TEACHER SALARIES**

Proceeds from the sale of bonds authorized by this measure shall be used only for the purposes specified in Article XIII A, Section 1(b)(3), those being for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, and the acquisition or lease of school facilities, and not for any other purpose, including teacher salaries and other school operating expenses.

**STATE MATCHING FUNDS**

The following statement is included in this measure pursuant to Education Code Section 15122.5: Approval of this measure does not guarantee that the proposed projects that are the subject of bonds under this measure will be funded beyond the local revenues generated by this measure. The District's proposal for the projects described below may assume the receipt of matching state funds, which, if available, could be subject to appropriation by the Legislature or approval of a statewide bond measure.

**ESTIMATES AND PROJECTIONS INCLUDED IN BALLOT**

Any estimates or projections in the bond measure or ballot materials, such as relating to estimated tax rates, the duration of issued bonds and related tax levies and collections are provided as informational only. Such amounts are estimates and are not maximum amounts or limitations on the terms of the bonds, the tax rate or duration of the tax supporting repayment of issued bonds. Such estimates depend on numerous variables which are subject to variation and change over the term of the District's overall facilities and bond financing plan, including but not limited to the amount of bonds issued and outstanding at any one time, the interest rates applicable to issued bonds, market conditions at the time of sale of the bonds, when bonds mature, timing of project needs and changes in assessed valuations in the District. As such, while such estimates and approximations are provided based on information currently available to the District and its current expectations, such estimates and approximations are not limitations and are not binding upon the District.

**BOND PROJECT LIST**

Projects which are described below include all related and incidental costs, including their share of the costs of the election and bond issuance and costs of design, engineering, architect and other professional services, inspections, site preparation, utilities, and other planning, legal, accounting and similar costs, independent annual financial and performance audits, a customary contingency, and other costs incidental to and necessary for completion of the listed projects.

The District may alter the scope and nature of any of the specific projects that are described below as required by conditions that arise over time. This measure authorizes bond projects to be undertaken at all District sites, including current and future sites.
Whenever specific items are included in the following list, they are presented to provide examples and are not intended to limit the generality of the broader description of authorized projects. The order in which particular projects are listed is not intended to indicate priority for funding or completion. The itemization of projects in the list below does not guarantee that all such projects will be undertaken. The ability of the District to undertake and complete the listed projects is subject to the adequacy and availability of sufficient funding sources.

The items presented on the following list are the types of projects authorized to be financed with voter-approved bond proceeds.

- Construct, modernize, renovate, replace and/or expand aging and outdated school classrooms, restrooms and related facilities to meet 21st century standards, including providing updated furnishings and other equipment to facilitate a modern learning environment
- Provide clean and safe classrooms, and a quality learning environment for current and future students
- Repair or replace leaky roofs
- Improve, and upgrade technology infrastructure, electrical systems and wiring for computers and Internet access
- Make other basic repairs, including to roofing, plumbing, electrical and sewer systems
- Make health, safety and security improvements to comply with all applicable laws and regulations and to ensure the safety and security of District students, staff and facilities
- Make Federal and State-mandated Americans with Disabilities Act (ADA) accessibility upgrades including but not limited to ensuring site access, parking, staff and student restrooms, relocation of existing electrical devices, drinking fountains, and playground equipment, as necessary to ensure adequate accommodations are provided and all legal requirements are met
- Abate and remove hazardous materials identified prior to or during construction
- Repair, replace and/or upgrade paved surfaces, turf, grounds and outdoor areas, including to eliminate safety hazards and to facilitate outdoor instruction and gathering spaces
- Upgrade, repair and/or expand school site parking, roadways, grounds and other infrastructure such as utility systems, including installing exterior lighting, repairing pathways, walkways, ADA access ramps, and make landscaping improvements including irrigation

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. 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; necessary costs of the District incurred by calling and conducting the election; bond issuance costs; and project administration during the duration of such projects, as permitted by law.

The scope and nature of any of the specific projects described above may be altered by the District as required by unforeseen conditions that may arise during the course of design and construction. In the event that a modernization or renovation project is more economical for the District to be undertaken as new construction, this bond measure authorizes land acquisition, relocation, expansion and construction and/or reconstruction, and all costs relating thereto, for said reason or, alternatively, based on other considerations deemed in the best interest of the District by the Governing Board. 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. In addition, authorized projects include reimbursements for paid project costs and paying and/or prepaying interim or previously obtained financing for the types of projects included on the project list, such as bond anticipation notes, and including payment and prepayment of lease payments relating to projects and/or equipment previously financed.

Approval of the District’s bond measure does not guarantee that all of the identified projects within this Bond Project List will be funded beyond what can be completed with local funds generated by the bond measure. The District may pursue funds from the State of California, if available, to complete certain of the identified facilities projects.

The order in which school facilities projects are listed in the foregoing Bond Project List does not suggest an order of priority. Project priorities will be determined by the Governing Board. The District is unable to anticipate all unforeseen circumstances which may prevent some of the projects listed above from being undertaken or 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.
APPENDIX B

ABBREVIATED FORM OF BOND MEASURE*

"To improve the quality of education, repair or replace leaky roofs, modernize/renovate classrooms and restrooms, upgrade inadequate electrical systems, replace aging plumbing systems, and replace temporary portables with classrooms, shall Thermalito Union Elementary School District issue $4.5 million of bonds at legal interest rates, generating an average of $277,000 annually while bonds are outstanding at a rate of approximately $.03 per $100 assessed value, with annual audits, independent citizens' oversight, NO money for salaries and all money staying local?"
APPENDIX C

TAX RATE STATEMENT
REGARDING PROPOSED

$4.5 MILLION
THERMALITO UNION ELEMENTARY SCHOOL DISTRICT
GENERAL OBLIGATION BONDS

An election will be held in the Thermalito Union Elementary School District (the "District") on November 6, 2018 to authorize the sale of up to $4.5 million in general obligation bonds of the District to finance school facilities as described in the measure. If such bonds are authorized and sold, principal and interest on the bonds will be payable only from the proceeds of ad valorem tax levies made upon the taxable property in the District. The following information is submitted in compliance with Sections 9400-9404 of the Elections Code of the State of California. Such information is based upon the best estimates and projections presently available from official sources, upon experience within the District, and other demonstrable factors.

Based upon the foregoing and projections of the District’s assessed valuation, the following information is provided:

1. The best estimate of the average annual tax rate that would be required to fund this bond issue over the entire duration of the bond debt service, based on estimated assessed valuations available at the time of filing of this statement, is $0.03 per $100 ($30 per $100,000) of assessed valuation. The final fiscal year in which it is anticipated that the tax will be collected is 2050-51.

2. The best estimate of the highest tax rate that would be required to fund this bond issue, based on estimated assessed valuations available at the time of filing this statement, is $0.03 per $100 ($30 per $100,000) of assessed valuation. This rate is projected to apply in each fiscal year that the bonds are outstanding. It is estimated that such rate would be levied starting in fiscal year 2019-20 and following.

3. The best estimate of total debt service, including principal and interest, that would be required to be repaid if all the bonds are issued and sold will be approximately $8.15 million.

Voters should note the estimated tax rate is based on the assessed value (not market value) of taxable property on the County’s official tax rolls. In addition, taxpayers eligible for a property tax exemption, such as the homeowner’s exemption, will be taxed at a lower effective tax rate than described above. Property owners should consult their own property tax bills and tax advisors to determine their property’s assessed value and any applicable tax exemptions.

The attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which amounts are not maximum amounts and are not binding upon the District. The actual debt service, tax rates and the years in which they will apply may vary from those used to provide the estimates set forth above, due to factors such as variations in the timing of bond sales, the par amount of bonds sold and market interest rates available at the time of each sale, actual assessed valuations over the term of the bonds, and other factors. The date and amount of bonds sold at any
given time will be determined by the District based on the need for project funds and other considerations. The actual interest rates at which the bonds will be sold will depend on conditions in the bond market at the time of sale. Actual future assessed valuations 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.

By: [Signature]
Superintendent
Thermalito Union Elementary School District