

FILED

AUG 02 2024

BY  DEPUTY
REGISTRAR OF VOTERS

RESOLUTION NO. 24-71

RESOLUTION OF THE BOARD OF EDUCATION OF COLTON
JOINT UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION,
AND ESTABLISHING SPECIFICATIONS OF THE ELECTION
ORDER

WHEREAS, the Board of Education (the “Board”) of the Colton Joint Unified School District (the “District”) is devoted to improving the quality of education in our local public schools by providing classrooms, facilities and upgraded technology to support high quality instruction in core subjects like math, science, engineering, and technology; and

WHEREAS, the Board believes each student deserves the academic proficiency and skills necessary to thrive in college and in the global workforce, to earn a living wage and be responsible, productive citizens, and that the District can do this by providing engaging, challenging, and enriching opportunities and specialized programs in a safe environment in partnership with students, families, and our diverse communities; and

WHEREAS, since many District schools were built more than 60 plus years ago, additional resources are necessary to make basic improvements, including upgrading deteriorating roofs, plumbing, sewer lines, gas lines, electrical, heating and ventilation systems so that the schools can continue to serve the community well for decades to come; and

WHEREAS, there are 170 portable classrooms at our schools that are at least 25 years old, falling apart and too expensive to keep repairing, and need to be replaced with modern permanent classrooms; and

WHEREAS, the Board has determined that schools within the District need to be upgraded, repaired, expanded, improved, modernized and better equipped in a fiscally prudent manner to enable the District to meet current health and building safety codes, and provide proper access for students with disabilities; and

WHEREAS, the Board believes that if kids want to succeed in college and careers they must be skilled in using today’s technology and have advanced classes in science, math, engineering and technology; and

WHEREAS, the State of California (the “State”) has been unable to provide the District with enough money for the District to adequately repair schools and upgrade classrooms to provide an optimal learning environment for all students and District students deserve to have the same educational opportunities as others in the region; and

WHEREAS, even if you do not have school-age children, supporting a local bond measure is a wise investment, as good schools improve the quality of life in our community and protect the value of our homes; 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 are locally controlled and cannot be redirected by the State, to upgrade aging schools, protect student safety and help students succeed in college and careers; 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* 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 and District have solicited stakeholder and community input on school priorities from parents, teachers, staff, the community and civic leaders; 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 safety, health, 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 strictly monitored 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 for school facilities 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 5, 2024,

and to request both the San Bernardino County Registrar of Voters and the Riverside County Registrar of Voters to perform certain election services for the District.

NOW THEREFORE, THE BOARD OF EDUCATION OF THE COLTON JOINT 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 San Bernardino County and Riverside County Registrars of Voter 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 \$225,000,000 (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 5, 2024.

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 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 student learning in core subjects like math, science, engineering, the arts 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 the 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 cited above, the District has obtained reasonable and informed projections of assessed property valuations that take into consideration projections of assessed property valuations made by the San Bernardino County Assessor that are available to the District.

Section 6. That the San Bernardino Registrar of Voters and the San Bernardino County Board of Supervisors and the Riverside Registrar of Voters and Riverside County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 5, 2024 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 both the San Bernardino County Registrar of Voters and the Riverside County Registrar of Voters no later than August 8, 2024.

Section 8. That 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 San Bernardino County Registrar of Voters and the Riverside County Registrar of Voters by the established deadlines.

Section 10. Pursuant to Education Code Section 5303 and Elections Code Section 10002, the Board of Supervisors of both San Bernardino County and Riverside County are requested to permit their respective Registrars of Voters to render all services specified by Elections Code Section 10418 relating to the election, for which services the District agrees to reimburse both San Bernardino County and Riverside 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 10. Pursuant to Education Code Section 5303 and Elections Code Section 10002, the Board of Supervisors of both San Bernardino County and Riverside County are requested to permit their respective Registrars of Voters to render all services specified by Elections Code Section 10418 relating to the election, for which services the District agrees to reimburse both San Bernardino County and Riverside 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 1st day of August, 2024.

BOARD OF EDUCATION OF THE COLTON
JOINT UNIFIED SCHOOL DISTRICT

By Frank A. Olvera
President

Attest:

Paul M. [Signature]
Secretary

STATE OF CALIFORNIA)
)ss
SAN BERNARDINO COUNTY)

I, Dr. Frank Miranda, do hereby certify that the foregoing is a true and correct copy of Resolution No. 24-71 which was duly adopted by the Board of Education of the Colton Joint Unified School District at the meeting thereof held on the 1st day of August, 2024, and that it was so adopted by the following vote:

AYES: 7
NOES: 0
ABSENT: 6
ABSTENTIONS: 0

By 
Secretary

EXHIBIT A

“To repair and improve aging neighborhood schools; fix deteriorating roofs, plumbing, electrical; remove asbestos and lead pipes; repair, construct, acquire classrooms, labs, sites, facilities/ equipment; support student achievement and college/career readiness in math, science, technology, engineering, arts and skilled trades; shall Colton Joint Unified School District’s measure be adopted authorizing \$225,000,000 in bonds at legal rates, levying 4 cents per \$100 assessed value (\$6,300,000 Annually) while bonds are outstanding, with citizen oversight, independent audits, all money locally-controlled?”

Bonds – Yes

Bonds – No