



WEST HILLS
COMMUNITY COLLEGE DISTRICT

FILED

JUL 31 2024

**BEFORE THE GOVERNING BOARD OF THE
WEST HILLS COMMUNITY COLLEGE DISTRICT**

By FRESNO COUNTY CLERK
DEPUTY

**Resolution in the matter of Ordering an Election
to Authorize the Issuance of General Obligation Bonds
in School Facilities Improvement District No. 2 (Coalinga area)
of the West Hills Community College District,
Establishing Specifications of the Election Order,
and Requesting Consolidation with other elections
Occurring on November 5, 2024**

WHEREAS, the West Hills Community College District (the "District") in Fresno County, Kings County, San Benito County, Monterey County, and Madera County, State of California (the "State"), is committed to providing quality education to its students; and

WHEREAS, Chapter 2 (commencing with section 15300) of Part 10 of Division 1 of Title 1 of the Education Code authorizes school districts and community college districts to form school facilities improvement districts consisting of a portion of the territory within the school district or community college district and permits the conduct of a bond election and the issuance of general obligation bonds for a school facilities improvement district following voter approval; and

WHEREAS, on July 22, 2008, the Board of Trustees (the "Board") of the District adopted a "Resolution Ordering Formation of School Facilities Improvement District No. 2 (Coalinga Area) of the West Hills Community College District," pursuant to which the Board ordered the formation of the School Facilities Improvement District No. 2 (Coalinga Area) of the West Hills Community College District (the "Improvement District"); and

WHEREAS, Section 15340 of the Education Code provides that the Board may provide for and call a special bond election within the Improvement District pursuant to Chapter 1 (commencing with Section 15100) of the Education Code and, if applicable, Chapter 1.5 (commencing with Section 15264) of the Education Code for the approval of a proposition of whether an indebtedness of the Improvement District shall be incurred through the issuance of bonds for the Improvement District; and

WHEREAS, pursuant to the Education Code, such bonds would be deemed bonds of the District for the benefit of facilities located in the Improvement District; and

WHEREAS, a local funding source is needed to enable the District to construct and modernize Improvement District facilities, including for repairs, upgrades and safety improvements to facilities to be used for academic instruction and career training; and

WHEREAS, in the judgment of the Board, it is advisable to call an election to submit to the electors of the Improvement District the question whether bonds of the District shall be issued and sold on behalf of the Improvement District for the purpose of raising money for the

construction, reconstruction, rehabilitation or replacement of college facilities, including the furnishing and equipping of college facilities in the Improvement 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 on behalf of the Improvement District 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 at which all of the electors of the District are entitled to vote, or a statewide special election; and

WHEREAS, under Section 10403 *et seq.* of 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, the date of the statewide general election, and to request the Registrar of Voters in each of Fresno County, Monterey County and San Benito County (each a "County" and, together, the "Counties"), in which the Improvement District is located, 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(c), the Board has obtained reasonable and informed projections of assessed property valuations that take into consideration projections of assessed property valuations made by each the County assessors; 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 WEST HILLS COMMUNITY COLLEGE 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 Improvement District the question of whether general obligation bonds of the District shall be issued and sold on behalf of the Improvement District in a maximum principal amount of \$19,000,000 (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 5, 2024, and such bond election shall be held solely within the boundaries of the Improvement District.

Section 4. Purpose of Election; Ballot Measure. The purpose of the election shall be for the voters in the Improvement District to vote on a bond measure, the full text of which is attached hereto as Appendix A (the "Full Text of the Measure"), containing the question of whether the District shall issue the Bonds on behalf of the Improvement District for the purposes stated therein, together with the accountability requirements of Article XIII A and the requirements of Section 15272 of the Act. 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 Chancellor is hereby separately authorized and directed to make any changes to the text of the full text and/or abbreviated measure as described herein to conform to any requirements of Article XIII A, the Act or any County.

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 and administrator salaries and other 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 Improvement 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. No Teacher or Administrator Salaries. Proceeds from the sale of the general obligation bonds authorized by the bond measure shall be used only for the construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities pursuant to Article XIII A and the Act, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

Section 10. Delivery of this Resolution. The Clerk of the Board is hereby directed to send a copy of this Resolution to (1) the Registrar of Voters of each County and (2) the Clerk of the Board of Supervisors of each County. Pursuant to Education Code Section 5322, the Resolution shall be received by the Registrar of Voters in each County no later than 88 days prior to the election date, unless otherwise permitted by law.

The Registrar of Voters in each County 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 11. Consolidation of Election; Request to Provide Services. Each County Registrar and each 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 Improvement District.

Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of each County is requested to permit the County Registrar, respectively, to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse each 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 12. 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 13. Tax Rate Statement. Pursuant to Elections Code Section 9400 and following, a tax rate statement has been prepared in the form attached hereto as Appendix C, which form of Tax Rate Statement is hereby approved for inclusion in the sample ballot. The President of the Board, the Chancellor, or any designee of the foregoing, are hereby authorized to finalize and execute the tax rate statement, and to file said statement with the Registrar of Voters in each County, in accordance with Section 10 hereof.

Section 14. Maturity Limit of Bonds. The Bonds may be issued in series by the District, on behalf of the Improvement 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 Government Code, or under any other provision of law authorizing the issuance of general obligation bonds by community college districts.

Section 15. Estimates Included in Ballot Materials. The measure and related tax rate statement authorized by this Resolution includes certain information which is based upon reasonable assumptions and current expectations, which may include information with respect to the amount of money required to repay issued bonds, the estimated rate of the approved tax per \$100,000 of assessed valuation, and the period through which the proposed tax supporting bond repayment will be levied and collected. Any such estimates have been provided by the District in good faith based upon information currently available to the District, but depend on numerous variables which are subject to variation and change over the term of the District's overall facilities and bond financing plan.

The estimates and projections set forth above shall not restrict the tax imposed in accordance with the bond measure. 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, shall not represent legal maximums or additional limitations on bond issuance.

Section 16. Reimbursement. The District hereby declares that it may pay certain costs of the projects listed in Appendix A prior to the date of issuance of bonds and, in such case, 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 17. Official Actions. The President of the Board, the Chancellor, or any designee of the foregoing, 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 requests of the Registrar of Voters in any County, in order to cause the election to be held and conducted in the Improvement District.

Section 18. Effective Date. This resolution shall take effect on and after its adoption.

The foregoing resolution was adopted this 23rd day of July, 2024 at a regular meeting of the governing board hereof by the following vote, to-wit:

Board Member Cantu:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Board Member Jackson:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Board Member Levinson:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Board Member Maldonado:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Board Member McKean:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Board Member Oxborrow:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Board Member Raygoza:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent

Dated: 7-30-2024

Mark McKean
President of the Board of Trustees

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CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

I, the undersigned, hereby certify that this resolution is a true and correct copy of a resolution adopted on the 23rd day of July, 2024, at a regular meeting of the Board of Trustees of the West Hills Community College District, and that such resolution appears in the official minutes of the governing board under that date.

Dated: 7-25-24

Nina Oxborrow
Clerk of the Board of Trustees