

FILED

JUL 27 2022

RESOLUTION NO. 2022-2023-01

FREMONT COMMUNITY OF PRAIRIES

By _____ DEPUTY

BOARD OF TRUSTEES
CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT

RESOLUTION ORDERING A SPECIAL ELECTION TO BE HELD ON TUESDAY,
NOVEMBER 8, 2022 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED
ELECTORS OF THE DISTRICT THE QUESTION OF LEVYING A QUALIFIED
SPECIAL TAX UPON EACH PARCEL IN THE DISTRICT AND ESTABLISHING THE
SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the "Board") of the Cutler-Orosi Joint Unified School District (the "District") has determined that the present revenues of the District are inadequate to fund the maintenance and operation of the sports complexes, future aquatic complex and youth recreational activities when said facilities are open for community use.

WHEREAS, Section 4 of Article XIII A of the California Constitution and California Government Code Sections 50079 et seq. and 50075 et seq. (the "Law") authorize a school district, upon approval by two-thirds (2/3) of the electorate voting on the measure, to levy a qualified special tax for specified purposes following notice and a public hearing; and

WHEREAS, the Board has on this date held a public hearing which was duly noticed where all interested persons have been heard on the matter of holding an election in the District on the matter of levying a qualified special tax on each parcel in the District; and

WHEREAS, the Board of Trustees desires at this time to order an election to be held on November 8, 2022 in the District for the purpose of submitting to the voters in the District the matter of levying a qualified special tax on each parcel in the District for the sports facilities and the development of a recreation department for youth and to designate the specifications thereof, pursuant to Education Code Section 5320 et seq.; and

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

Section 1. Call for Election. The Board hereby orders an election and submits to the electors of the District the question of whether a qualified special tax shall be levied and collected in the District for the purposes as set forth more fully in the ballot proposition approved below. 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 2. Election Date. The date of the election shall be November 8, 2022, and the election shall be held solely within the boundaries of the District.

Section 3. Purpose of Election; Ballot Proposition. The purpose of the election shall be for the voters in the District to vote on a proposition, a full copy of which is attached hereto and marked Exhibit "A", containing the question of whether the District shall levy a qualified special tax in the District for the purpose stated therein, together with the accountability requirements of Government Code Section 50075.1. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto and

marked as Exhibit "B". The Superintendent or her designee is hereby authorized and directed to make any changes to the text of the proposition as required to conform to any requirements of the Law or the Tulare County or Fresno County Registrars of Voters.

Section 4. Authority for Election. The authority for ordering the election is contained in Section 4 of Article XIII A of the California Constitution and California Government Code Sections 50079 et seq. and 50075 et seq. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

Section 5. Type of Tax, Rate and Method of Collection. Said qualified special tax shall be levied in an amount not to exceed \$48.00 with annual cost of living adjustments per parcel assessed against each parcel of taxable land in the District annually until the Board determines to terminate the levy. A parcel shall be defined as any unit of land in the District that receives a separate tax bill from the Tulare County or Fresno County Tax Collectors. All property that would otherwise be exempt from property taxes will also be exempt from the qualified special tax. The qualified special tax shall be collected on the tax bill prepared by each county tax collector in the same manner and with the same penalty as general ad valorem taxes collected by the respective county.

Section 6. Accountability Requirements. The members of the Board, the Superintendent and officers of the District are hereby requested and directed, individually and collectively, to provide accountability measures pursuant to Government Code Section 50075.1 that include, but are not limited, to the following: (a) a statement indicating the specific purposes of the special tax, (b) a requirement that the proceeds be applied only to the specific purposes identified, (c) the creation of an account into which the proceeds shall be deposited, and (d) an annual report pursuant to Government Code Section 50075.3 as provided in Section 7 hereof. Such accountability measures shall be set forth on the ballot in the form of Exhibit A attached hereto and incorporated herein by reference.

Section 7. Annual Report. Pursuant to Government Code Section 50075.3, the Board directs the chief fiscal officer of the District to file a report with the Board each year containing (a) the amount of funds collected and expended and (b) the status of any project required or authorized to be funded as identified in Section 6(a) hereof.

Section 8. Delivery of this Resolution. The Clerk of the Board is hereby directed to send a copy of this Resolution to the Tulare County and Fresno County Superintendents of Schools, the Tulare County and Fresno County Registrars of Voters (the "County Registrars") and the Tulare County and Fresno County Clerks of the Boards of Supervisors.

Section 9. Consolidation of Election. The County Registrars and the Tulare County and Fresno County Boards of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2022, within the District.

Section 10. Ballot Arguments. 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. The Superintendent, President of the Board, or their designees, are hereby authorized to execute any document and to perform all acts necessary to place the measure on the ballot.

Section 11. Notice of Election. That the County Registrars of Voters are hereby requested to prepare a formal Notice of Qualified Special Tax Election in time, form and manner as required by law. The suggested form of notice of the election is as follows:

CUTLER-OROSI JOINT UNIFIED SCHOOL DISTRICT
SPECIAL ELECTION NOTICE

NOTICE IS HEREBY GIVEN to the qualified electors of the Cutler-Orosi Joint Unified School District (the "District") of Tulare County and Fresno County, that in accordance with law, an election will be held on Tuesday, the 8th of November, 2022 in the District, at which election there will be submitted the question of levying a qualified special tax of \$48.00 with annual cost of living adjustment on each nonexempt parcel of land in the District for the purpose of raising money for the operational costs of the School District sports facilities, future aquatic complex and establishing a recreation department for the Youth within the Cutler-Orosi Joint Unified School District.

Section 12. Reimbursement for Services Performed. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Boards of Supervisors of Tulare and Fresno Counties, are requested to permit the Registrars of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Tulare and Fresno Counties in full upon presentation of a bill, such services to include the publication of a formal Special Election Notice and the mailing of the sample ballot.

Section 13. Notification to Non-Resident Property Owners. In the event that the election is successful and the qualified special tax is approved, the District shall provide written notice of the qualified special tax to any property owners who do not reside in the District, as required by Section 54930 of the California Government Code.

Section 14. Election Pursuant to Law. In all particulars not recited in this Resolution, said election shall be held and conducted as provided by law for holding school district elections in the District.

Section 15. Certification by Clerk of the Board. That the Clerk of the Board shall certify to the passage and adoption of this resolution and shall make minutes of the passage and adoption therefore in the records of the proceedings of the Board of Trustees of the District, in the minutes of the meeting at which the same is passed and adopted.

* * * * *

ADOPTED, SIGNED AND APPROVED this 14th day of July, 2022.

BOARD OF TRUSTEES OF THE
CUTLER-OROSI JOINT UNIFIED
SCHOOL DISTRICT

By: _____
President

ATTEST:

Clerk of the Board of Trustees

EXHIBIT A

BALLOT MEASURE FULL TEXT OF MEASURE

Sport Facilities Upkeep and Youth Recreational Programs

To fund the operational needs of the Cutler-Orosi Joint Unified School District facilities open to the community and develop a recreation department within the Cutler-Orosi area to promote youth activities including sports, arts, music, and other experiences that develop young people into healthy active, responsible citizens, shall the Cutler-Orosi Joint Unified School District levy a tax of \$48.00 per parcel annually with an annual cost of living adjustment, initially raising approximately \$234,048 yearly, so long as the Cutler-Orosi School Board oversees the program and uses all proceeds to directly support the Cutler-Orosi Joint Unified sports facilities needs and the recreation department?

PARCEL TAX AUTHORIZATION

By approval of this proposition by at least two-thirds (2/3) of the registered voters voting on the proposition, the District will be authorized to levy a qualified special tax of \$48.00 with annual cost of living adjustments per parcel for the projects listed in the project list described below, subject to all the accountability requirements specified below.

ACCOUNTABILITY REQUIREMENTS

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers in the District may be assured that their money will be spent wisely. As required by the laws of the State of California, the proceeds of the qualified special tax will be deposited into a special account established by the District and will be applied only to the specific purposes identified below. The District has covenanted to file with its governing board each year a report stating the amount of the funds collected and expended and the status of any project authorized to be funded.

PROJECT LIST

The Project List shown below is a part of the ballot proposition and must be reproduced in any official document required to contain the full statement of the proposition.

The proceeds of the parcel tax will be expended on the projects listed below. The specific projects described include all related and incidental costs.

1. Hire staff to maintain and operate the sports facilities and aquatic complexes.
2. Pay for utilities in support of the sports and aquatic complexes.
3. Purchase equipment for the operation of youth programs and sports.
4. Pay transportation costs associated with youth enrichment programs.
5. Purchase necessary equipment and supplies to manage and operate the sports, aquatic complexes, and recreational programs.

EXHIBIT B

**BALLOT MEASURE
ABBREVIATED FORM**

Sport Facilities and Recreational Programs for Youth

To fund the operational needs of the Cutler-Orosi Joint Unified School District sports facilities and develop a recreation department to promote youth activities including sports, arts, music, and experiences that develop youth into healthy active responsible citizens. Shall the District levy a tax of \$48.00 per parcel annually with annual cost of living adjustment, initially raising approximately \$234,048 as long as the Cutler-Orosi Joint Unified School District Board oversees the program?

STATE OF CALIFORNIA)
) ss.
COUNTY OF TULARE)

I, Rebecca Jimenez, Clerk of the Board of Trustees of the Cutler-Orosi Joint Unified School District, do hereby certify that the foregoing Resolution was duly adopted by the Board of Trustees of said District at a regular meeting thereof held on the 14th day of July, 2022, and that it was so adopted by the following vote:

AYES: Joni Jordan, Mary Helen Espino, Rebecca Jimenez, Delia Martinez, Sandra Williams

NOES: Margie Salazar

ABSENT: Marisol Rubalcaba

ABSTAIN:

B. _____
Clerk of the Board of Trustees of the
Cutler-Orosi Joint Unified School District

E. _____
Board President
Cutler-Orosi Joint Unified School District