

**FILED**

**MAR 10 2022**

**RESOLUTION NO. 3-22-04**

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE MUROC  
JOINT UNIFIED SCHOOL DISTRICT ORDERING  
ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE  
ELECTION ORDER**

**BY MR DEPUTY  
REGISTRAR OF VOTERS**

WHEREAS, the Board of Trustees (the "Board") of the Muroc Joint Unified School District (the "District") is devoted to supporting high-quality academic programs by providing classrooms, facilities and upgraded technology to support quality instruction in core subjects like math, science, technology, reading and writing;

WHEREAS, while many District classrooms and labs were updated with proceeds of Measure M, many students are still learning in old and outdated classrooms and facilities that do not provide the infrastructure and opportunities needed for 21<sup>st</sup> century instruction and learning;

WHEREAS, the Board has determined that schools within the District need to be upgraded, repaired, expanded, improved, modernized and better equipped to enable the District to improve student health, safety and security by improving air and water quality, earthquake safety and campus security systems; and

WHEREAS, the Board believes that, in order improve the quality of education, and provide safe and healthy learning environments for students, modernization and basic repairs to our schools continue to be needed, including repair of leaky roofs and windows, providing safe drinking water, removing asbestos and lead paint, upgrading plumbing and water systems, and updating instructional technology;

WHEREAS, the Board has determined that certain school facilities within the District need to be acquired, constructed, improved, and equipped in a fiscally prudent manner to enable District to enhance the educational opportunities of its students and prepare them for college and future careers; and

WHEREAS, the State of California (the "State") is not providing the District with enough funding for the District to adequately maintain its educational facilities and academic programs; and

WHEREAS, the Board has concluded that the District's only remedy to avoid undermining its educational programs is to secure local funding that the State cannot take away; 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 cannot be taken away by the State to upgrade aging schools, protect student safety, and help the District to qualify State matching funds; 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 determines that all funds from this measure shall be controlled locally, and be subject to mandatory taxpayer protections, including an independent citizens' oversight committee and audits to ensure funds are spent properly; 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 or 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 Education Code Section 15264) (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 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; 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 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 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, June 7, 2022, and to request each of the Kern County Registrar of Voters and the San Bernardino County Registrar of Voters to perform certain election services for the District;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE MUROC 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.* (including Sections 15300 *et seq.*), 15264 *et seq.*, and Government Code Section 53506, hereby requests each of the Kern County Registrar of Voters and the San Bernardino County Registrar of Voters to conduct an election under the provisions of the 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 \$21,000,000 (the "Bonds") shall be issued and sold for the purpose of raising money for the purposes described in Exhibit A hereto.

Section 2. That the date of the election shall be June 7, 2022.

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 and the Act, the ballot propositions in Exhibit "A" and "B" are subject to the following requirements and determinations:

(a) 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 pension 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 within the District, as well as the importance of the projects to student achievement and high quality instruction;

(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 will cause the appointment of 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. The Citizens' Oversight Committee shall consist of at least seven (7) members and at no time consist of less than seven (7) members, with the possible exception of brief periods to fill any unexpected vacancies. The Citizens' Oversight Committee may not include any employee or official of the District or any vendor, contractor or consultant of the District. The Citizens' Oversight Committee shall include all of the following: One (1) member who is active in a business organization representing the business community located within the District; One (1) member who is active in a senior citizens' organization; One (1) member who is active in a bona fide taxpayer association; One (1) member who is a parent of a child in the District schools; One (1) member is both a parent of a child in the District schools and active in a school site council or PTA. In furtherance of its specifically enumerated purposes, the Citizens' Oversight Committee may engage in any of the following activities relating solely and exclusively to the expenditure of the Proposition 39 bond proceeds:

(i) Inspect District facilities and grounds to ensure that Proposition 39 bond proceeds are expended in compliance with applicable law;

(ii) Receive and review copies of all deferred maintenance proposals or plans developed by the District;

(iii) Review efforts of the District to maximize Proposition 39 bond revenues by implementing cost-saving programs;

(iv) Receive and review copies of the annual, independent financial and performance audits performed by independent consultant(s);

(v) Receive from the Board, within three months of the District receiving the above-described audits, responses to any and all findings, recommendations, and concerns addressed in said audits, and review said responses; 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 Section 15100 *et seq.* and Section 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.

Section 6. That each of the Kern County Registrar of Voters, the Kern County Board of Supervisors, the San Bernardino County Registrar of Voters, and the San Bernardino County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 7, 2022, within the District. Pursuant to Elections Code Section 10403 the Board acknowledges that the consolidation election will be held and conducted in the manner prescribed in Elections Code Section 10408.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to both the Kern County Registrar of Voters and the San Bernardino County Registrar of Voters no later than March 11, 2022.

Section 8. That the Bonds shall be issued pursuant to Education Code Section 15264 *et seq.* or pursuant to 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 anybody 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 both the Kern County Registrar of Voters and the San Bernardino County Registrar of Voters by the established deadlines.

Section 10. Pursuant to Education Code Section 5303 and Elections Code Section 10002, the Boards of Supervisors of both Kern County and San Bernardino County are requested to permit respective the 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 Kern County and San Bernardino 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 9th day of March, 2022.

BOARD OF TRUSTEES OF THE MUROC JOINT  
UNIFIED SCHOOL DISTRICT

By  \_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary

STATE OF CALIFORNIA    )  
  )ss  
KERN COUNTY            )

I, Kevin Cordes, do hereby certify that the foregoing is a true and correct copy of Resolution No. 3-22-04, which was duly adopted by the Board of Trustees of the Muroc Joint Unified School District at the meeting thereof held on the 9th day of March, 2022, and that it was so adopted by the following vote:

AYES: 4

NOES: 0

ABSENT: 1

ABSTENTIONS: 0

By  \_\_\_\_\_  
Secretary

EXHIBIT A

“To improve and repair facilities at Boron Schools, enhance student safety/security systems, acquire/construct/renovate District facilities, classrooms, and equipment, update heating/ air conditioning systems, make health/safety improvements, and improve student access to technology, shall this Muroc Joint Unified School District measure authorizing \$21,000,000 of bonds at legal rates, levying 4.9¢ per \$100 of assessed value (averaging \$1,140,000 annually) while bonds are outstanding, be adopted with annual audits, independent citizens’ oversight and NO money for administrative salaries?”

Bonds – Yes

Bonds – No