

**RESOLUTION NO. 1018-11**

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
CUTTEN SCHOOL DISTRICT ORDERING A SCHOOL BOND  
ELECTION, AND AUTHORIZING NECESSARY ACTIONS IN  
CONNECTION THEREWITH**

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**WHEREAS**, the Board of Trustees (the "Board") of the Cutten School District (the "District"), located in the County of Humboldt (the "County"), is authorized to order elections within the District and to designate the specifications thereof, pursuant to Sections 5304 and 5322 of the California Education Code (the "Education Code"); and

**WHEREAS**, the Board is specifically authorized to order elections for the purpose of submitting to the electors the question of whether bonds of the District shall be issued and sold for the purpose of raising money for the purposes hereinafter specified, pursuant to Education Code Sections 15100 *et seq.*; and

**WHEREAS**, pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, and Section 15266 of the Education Code, school districts may seek approval of bonds and levy an *ad valorem* tax to repay those bonds upon a 55% vote of those voting on a proposition for the purposes hereinafter specified, provided certain accountability requirements are included in the proposition, including (a) that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b)(3) of the Constitution, and not for any other purpose, including teacher and administrator salaries and other school operating expenses, (b) that a list of the specific school facilities projects to be funded be included, which the school district board has certified that it has evaluated safety, class size reduction and information technology needs in developing, and (c) that performance and financial audits be required and there be oversight by an independent citizens' oversight committee to ensure that all funds are spent properly and as promised to the voters; and

**WHEREAS**, the Board deems it necessary and advisable to submit such a bond proposition to the electors, which, if approved by 55% of the votes cast, would permit the District to issue its bonds; and

**WHEREAS**, such a bond election must be conducted concurrent with a statewide primary election, general election or special election, or at a regularly scheduled local election at which all of the electors of the District are entitled to vote, as required by Section 15266 of the Education Code; and

**WHEREAS**, on November 6, 2018, a statewide general election is scheduled to be conducted throughout the District; and

**WHEREAS**, subsection (c) of Section 15100 of the Education Code provides that, before the governing board of a school district may order an election pursuant to Education Code Sections 15100 *et seq.*, it shall obtain reasonable and informed projections of assessed property

valuations that take into consideration projections of assessed property valuations made by the county assessor; and

**WHEREAS**, although the County Assessor does not make projections of assessed property valuations beyond next succeeding tax year, the Board has been presented with projections of assessed property valuations of the property within the boundaries of the District in connection with developing the bond proposition that take into consideration, among other things, the long-term historical average growth rates of assessed property valuations of the property within the boundaries of the District and the Board finds those projections to be reasonable and informed; and

**WHEREAS**, the Board has determined that, based upon such projections of assessed property valuation, 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 maximum tax rate permitted by Section 15268 of the Education Code; and

**WHEREAS**, Section 9400 *et seq.* of the California Elections Code (the "Elections Code") requires that a tax information statement be contained in all official materials, including any voter information guide prepared, sponsored or distributed by the District, relating to the election; and

**WHEREAS**, the Board now desires to authorize the filing of a ballot argument in favor of the bond proposition to be submitted to the voters at the election; and

**WHEREAS**, if a project or projects to be funded by the bonds will require State of California matching grant funds for any phase, the sample ballot must contain a statement, in the form prescribed by law, advising the voters of that fact, and the Board finds that completion of all or a portion of certain of the projects listed in the bond proposition set forth herein will require State matching grant funds for any phase thereof;

**NOW, THEREFORE**, be it resolved, determined and ordered by the Board of Trustees of the Cutten School District as follows:

**Section 1.**     **Recitals.** All of the above recitals are true and correct.

**Section 2.**     **Specifications of Election Order; Required Certification.** Pursuant to Education Code Sections 5304, 5322, 15100 *et seq.*, and 15266, and Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, a special election shall be held within the boundaries of the District on November 6, 2018, for the purpose of submitting to the registered voters of the District the bond proposition contained in Exhibit A attached hereto and incorporated herein. In accordance with Section 1 of Article XIII A of the California Constitution, and as provided in the text of the bond proposition, the Board hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the bond project list set forth in the bond proposition.

**Section 3.**     **Conduct of Election.** (a) *Request to County Officers.* Pursuant to Section 5303 of the Education Code, the Registrar of Voters of the County (the "Registrar of Voters") is

required to, and is hereby requested to, take all steps to hold the election in accordance with law and these specifications.

(b) *Abbreviation of Proposition.* Pursuant to Sections 13119 and 13247 of the Elections Code and Sections 5322 and 15122 of the Education Code, the Board hereby directs the Registrar of Voters to use the following abbreviation of the bond proposition on the ballot:

*“To modernize/upgrade classrooms, restrooms and school facilities, repair/replace leaky roofs, and increase student access to computers/modern technology that improves the quality of education, shall Cutten School District issue \$4,000,000 of bonds, with legal rates, projected average annual levies of \$0.03 per \$100 of assessed valuation while the bonds are outstanding (an estimated \$140,000 on average raised annually), annual audits, independent citizens’ oversight committee, NO money for administrator salaries and all money for local schools?”*

(c) *Voter Pamphlet.* The Registrar of Voters is hereby requested to reprint the full text of the bond proposition as set forth in Exhibit A in its entirety in the voter information pamphlet to be distributed to voters pursuant to Section 13307 of the Elections Code. In the event the full text of the bond proposition is not reprinted in the voter information pamphlet in its entirety, the Registrar of Voters is hereby requested to print, immediately below the impartial analysis of the bond proposition, in no less than 10-point boldface type, a legend substantially as follows:

*“The above statement is an impartial analysis of Measure \_\_. If you desire a copy of the measure, please call the County Registrar of Voters at (707) 445-7481 or the Cutten School District at (707) 441-3900, and a copy will be mailed at no cost to you. Measure \_\_ is also available on the Internet at [http://www.http://www.humboldt.k12.ca.us/cutten\\_sd/](http://www.http://www.humboldt.k12.ca.us/cutten_sd/).”*

(d) *Accountability Safeguards.* In the event the full text of the bond proposition is not reprinted in the voter information pamphlet in its entirety, the Registrar of Voters is hereby requested to include the following statement in the ballot in compliance with Section 15272 of the Education Code:

*“If Measure \_\_ is approved, the Board of Trustees of the Cutten School District will appoint a citizens’ oversight committee and conduct annual independent audits to assure that bond funds are spent only on the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and for no other purposes.”*

(e) *State Matching Funds.* The District hereby requests that the Registrar of Voters include the following statement in the ballot pamphlet, pursuant to Section 15122.5 of the Education Code:

*“Approval of Measure \_\_\_ does not guarantee that the proposed project or projects in the Cutten School District that are the subject of bonds under Measure \_\_\_ will be funded beyond the local revenues generated by Measure \_\_\_. The District’s proposal for the project or projects may assume the receipt of matching State funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.”*

(f) *Consolidation Requirement.* Pursuant to Section 15266(a) of the Education Code, the election shall be consolidated with the statewide general election on November 6, 2018, and pursuant to Education Code Section 5342 and Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the Registrar of Voters and the Board of Supervisors of the County are hereby requested to order consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same. The District hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed by Section 10418 of the Elections Code.

(g) *Canvass of Results.* The Board of Supervisors of the County is authorized and requested to canvass the returns of the election, pursuant to Section 10411 of the Elections Code.

(h) *Required Vote.* Pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, the bond proposition shall become effective upon the affirmative vote of at least 55% of the voters of the District voting on the proposition.

(i) *Election Costs.* The District shall pay all costs of the election approved by the Board of Supervisors of the County pursuant to Education Code Section 5421.

**Section 4. Delivery of Order of Election to County Officers.** The Clerk of the Board of the District is hereby directed to cause to be filed as soon as practicable, and in any event no later than August 10, 2018 (which date is not fewer than 88 days prior to the date set for the election), one copy of this Resolution to the Registrar of Voters, including the tax information statement attached hereto as Exhibit B, containing the information required by Elections Code Section 9400 *et seq.*, completed and signed by the Superintendent of the District, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of the County.

**Section 5. Ballot Arguments.** The President of the Board, or any member or members of the Board as the President shall designate, are hereby authorized, but not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the bond proposition, within the time established by the Registrar of Voters, which shall be considered the official ballot argument of the Board as sponsor of the bond proposition.

**Section 6. Further Authorization.** (a) *General.* The members of the Board, the Superintendent of the District, and all other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things that they deem necessary or

advisable in order to effectuate the purposes of this resolution in accordance with the terms hereof and of applicable provisions of law.

(b) *Bond Proposition Exemption from Elections Code Section 13119.* In the event that legislation is passed on or before August 10, 2018, subsequent to the adoption of this Resolution, that exempts or temporarily suspends the bond proposition from the requirements of subsection (b) of Elections Code Section 13119, then (i) the entire ballot statement contained in Section (3)(b) herein shall be deemed deleted and replaced with the following ballot statement:

*“To modernize outdated classrooms, restrooms and school facilities; replace deteriorating plumbing and sewer systems; upgrade inadequate electrical systems; repair or replace leaky roofs; and increase student access to computers and modern technology that improves the quality of education, shall Cutten School District issue \$4,000,000 of bonds, at legal interest rates, with independent citizens’ oversight, annual audits, NO money used for teacher or administrator salaries and all money for local schools?”*

and (ii) the section entitled “Estimated Ballot Information” contained in the full text of the bond proposition in Exhibit A attached hereto shall be deemed deleted therefrom in its entirety. To the extent such exemption or suspension becomes effective, the members of the Board, the Superintendent of the District, and all other officers of the District are hereby authorized and directed, individually and collectively, to coordinate and effectuate such replacement of the ballot statement contained in Section (3)(b) and modification to the full text of the bond proposition contained in Exhibit A attached hereto with the Registrar of Voters.

**Section 7. Effective Date.** This Resolution shall take effect upon its adoption by a two-thirds vote.

**PASSED AND ADOPTED** this day, June 18, 2018, by the following vote:

AYES: 5

NOES: 0

ABSTAIN: 0

ABSENT: 0

APPROVED:



\_\_\_\_\_  
President of the Board of Trustees of the  
Cutten School District

Attest:



\_\_\_\_\_  
Clerk of the Board of Trustees of the  
Cutten School District