



WEST HILLS
COMMUNITY COLLEGE DISTRICT

FILED

AUG 09 2022

By  FRESNO COUNTY CLERK
DEPUTY

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
WEST HILLS COMMUNITY COLLEGE DISTRICT
ORDERING AN ELECTION TO AUTHORIZE THE ISSUANCE OF
GENERAL OBLIGATION BONDS IN ITS
SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 3 (LEMOORE AREA),
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND
REQUESTING CONSOLIDATION WITH OTHER ELECTIONS
OCCURRING ON NOVEMBER 8, 2022**

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, a local funding source is needed to enable the District to construct and modernize District facilities, including for repairs, upgrades and safety improvements to facilities to be used for academic instruction and career training; 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 of Formation of School Facilities Improvement District No. 3 (Lemoore Area) of the West Hills Community College District," pursuant to which the Board ordered the formation of the School Facilities Improvement District No. 3 (Lemoore 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, the District must provide local funding in order to receive a state grant of \$21.9 million to fund the construction of an instructional building at West Hills College Lemoore; 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 acquisition and improvement of real property, and the furnishing and equipping of college facilities in the Improvement District area; 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 8, 2022, the date of the statewide primary election, and to request the Registrar of Voters in Fresno County and Kings County, the counties in which the Improvement District is located (each, a "County") 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 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 \$8,600,000 (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 8, 2022, 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 school 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 acquisition or improvement of real property 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 Superintendent of Schools of each County, (2) the Registrar of Voters in each County, and (3) the Clerk of the Board of Supervisors. 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 the 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 8, 2022, 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 9 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 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 the Registrar of Voters in each 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 by the Board of Trustees of the West Hills Community College District, being the Board authorized by law to make the designations therein contained, by the following vote, on April 19, 2022.

Board Member Cantu:	<u>X</u> Yes	___ No	___ Abstain	___ Absent
Board Member Jackson:	<u>X</u> Yes	___ No	___ Abstain	___ Absent
Board Member Levinson:	<u>X</u> Yes	___ No	___ Abstain	___ Absent
Board Member Maldonado:	<u>X</u> Yes	___ No	___ Abstain	___ Absent
Board Member McKean:	<u>X</u> Yes	___ No	___ Abstain	___ Absent
Board Member Oxborrow:	<u>X</u> Yes	___ No	___ Abstain	___ Absent
Board Member Raygoza:	<u>X</u> Yes	___ No	___ Abstain	___ Absent

Dated: 4/19/2022



 Mark McKean
 President of the Board of Trustees

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 19th day of April, 2022, 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: 4/19/2022


 Nina Oxborrow
 Clerk of the Board of Trustees

APPENDIX A

FULL TEXT OF BOND MEASURE

INTRODUCTION

The following is the abbreviated form of the bond measure:

“To construct new classrooms and labs at West Hills College Lemoore for career training in computer sciences, health sciences, nursing and paramedics, and qualify for State matching funds, shall West Hills Community College District’s measure authorizing \$8.6 million in bonds be adopted with estimated levies of less than 1¢ per \$100 of assessed value (raising \$727,000 annually through 2039), legal interest rates, annual audits, citizens’ oversight, and no funds used for administrators’ salaries?”

BOND AUTHORIZATION

By approval of this measure by at least 55% of the registered voters voting on the measure, the West Hills Community College District (the “District”) will be authorized to issue and sell bonds of up to \$8,600,000 in aggregate principal amount at interest rates not to exceed legal limits and to provide financing for the specific types of school facilities projects listed under the heading “Bond Project List” below, located in the School Facilities Improvement District No. 3 (Lemoore Area) of the West Hills Community College District (the “Improvement District”), subject to all the accountability requirements specified below.

The Bonds may be issued under the provisions of the California Education Code (starting at Section 15100), under the provisions of the California Government Code (starting at Section 53506), or under any other provision of law authorizing the issuance of general obligation bonds by community college districts. 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 within the legal limitations set forth in the applicable law under which the Bonds are issued.

ACCOUNTABILITY REQUIREMENTS

The provisions in this section are specifically included in this measure in order that the voters and taxpayers in the Improvement District may be assured that their money will be spent wisely. Expenditures to address specific facilities needs in the Improvement District will be in compliance with the requirements of Article XIII A, Section 1(b)(3), of the State Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following.)

Evaluation of Needs. The District's Board of Trustees (the "Board") has identified detailed facilities needs of the Improvement District and has determined which projects to finance from a local bond. The Board hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List shown below.

Independent Citizens' Oversight Committee. Following approval of this measure, the Board will establish an Independent Citizens' Oversight Committee, under Education Code Sections 15278 and following, to ensure bond proceeds are expended only on the types of school facilities projects listed below. The committee will be established within 60 days of the date when the results of the election appear in the minutes of the Board.

Performance Audits. The Board will conduct annual, independent performance audits to ensure that the bond proceeds have been expended only on the school facilities projects listed below.

Financial Audits. The Board will conduct annual, independent financial audits of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed below.

Government Code Accountability Requirements. As required by Section 53410 of the Government Code, (1) the specific purpose of the bonds is set forth in this Full Text of the Measure, (2) the proceeds from the sale of the bonds will be used only for the purposes specified in this measure, and not for any other purpose, (3) the proceeds of the bonds, when and if issued, will be deposited into a building fund to be held by the Fresno County Treasurer, as required by the California Education Code, and (4) the Chancellor of the District shall cause an annual report to be filed with the Board not later than January 1 of each year, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the projects listed in this measure, as required by Sections 53410 and 53411 of the Government Code.

NO TEACHER OR ADMINISTRATOR SALARIES

Proceeds from the sale of bonds authorized by this measure shall be used only for the purposes specified in Article XIII A, Section 1(b)(3), being the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, and the acquisition or lease of school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

STATE MATCHING FUNDS

The following statement is included in this measure pursuant to Education Code Section 15122.5: 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.

INFORMATION ABOUT ESTIMATES AND PROJECTIONS INCLUDED IN BALLOT

Voters are informed that any estimates or projections in the bond measure or ballot materials, including relating to estimated rates of taxes, the duration of issued bonds and related levies and collections of taxes are provided as informational only. Such amounts are estimates and are not maximum amounts or limitations on the terms of the bonds, the tax rate or duration of the tax supporting repayment of issued bonds. Such estimates depend on numerous variables which are subject to variation and change over the term of the Improvement District's overall facilities and bond financing plan, including but not limited to the amount of bonds issued and outstanding at any one time, the interest rates applicable to issued bonds, market conditions at the time of sale of the bonds, when bonds mature, timing of project needs and changes in assessed valuations in the Improvement District. As such, while such estimates and approximations are provided based on information currently available to the District and its current expectations, such estimates and approximations are not limitations and are not binding upon the District. In addition, the abbreviated and condensed statement of the bond measure presented to voters which is subject to a word count limitation imposed by State law does not limit the scope and complete meaning of the measure provided in this Full Text of Bond Measure and related ballot materials.

BOND PROJECT LIST

Scope of Projects. Bond proceeds will be expended on the construction, reconstruction, rehabilitation, or replacement of school facilities of the Improvement District, including furnishing and equipping, and the acquisition or lease of real property for school facilities, and not for any other purpose, including teacher and administrator salaries or other school operating expenses, in compliance with California Constitution Article XIII A, Section 1(b)(3). This measure authorizes bond projects to be undertaken at all current and future Improvement District sites and campuses.

Specific School Facility Project List. The items presented on the following list provide the types of school facilities projects authorized to be financed with voter-approved bond proceeds. Specific examples included on this list are not intended to limit the types of projects described and authorized by this measure. The following types of projects are authorized:

WEST HILLS COLLEGE LEMOORE

- Construct, furnish, and equip a new academic building

- Acquire and install classroom and lab equipment and technology infrastructure to support career training in fields such as: health sciences, nursing, paramedics, visual arts, and computer sciences

Each of the bond projects described in this Bond Project List include the costs of furnishing and equipping such facilities, and all costs which are incidental but directly related to the types of projects described above. Each of the listed items include the construction, reconstruction, rehabilitation, or replacement of existing buildings or new buildings.

Examples of incidental costs include, but are not limited to: costs of design, engineering, architect and other professional services, facilities assessments, inspections, site preparation, utilities, landscaping, construction management and other planning and permitting, legal, accounting and similar costs; all finishing work such as painting, repainting, carpeting and flooring; independent annual financial and performance audits; a customary construction contingency; demolition and disposal of existing structures; the costs of interim housing and storage during construction including relocation and construction costs incurred relating to interim facilities; rental or construction of storage facilities and other space on an interim basis for materials and other equipment and furnishings displaced during construction; costs of relocating facilities and equipment as needed in connection with the projects; interim classrooms and facilities for students, administrators, and school functions, including modular facilities; federal and state-mandated safety upgrades; addressing unforeseen conditions revealed by construction/modernization including abatement and removal of hazardous materials and other necessary improvements required to comply with existing building codes, including the Field Act; access requirements of the Americans with Disabilities Act; costs of the election; project construction oversight, management and administration during the duration of such projects, including by District personnel, and bond issuance costs.

Unforeseen conditions may arise during the course of planning, design and construction resulting in the scope and nature of any of the specific projects described above being altered by the District. In the event that the District determines that a modernization or renovation project is more economical for the Improvement District or otherwise in the Improvement District's best interests to be undertaken as new construction, this bond measure authorizes said new construction, including land acquisition, relocation, expansion and construction and/or reconstruction, and all costs relating thereto. In addition, this measure authorizes the acquisition of real property, including necessary rights of ways or other real property interests, required to expand Improvement District facilities, to provide access to school or other Improvement District facilities, or to provide additional school or related facilities. Further, authorized projects include reimbursements for project costs previously paid and paying and/or prepaying interim financing for the types of projects included on the project list, such as bond anticipation notes. Finally, projects on this list may be undertaken and used as joint use projects with other public agencies.

Approval of the District's bond measure does not guarantee that all of the identified projects within this Bond Project List will be funded beyond what can be completed with funds generated by this bond measure. The District plans to pursue funds from the State of California, if available, to provide additional funding to complete certain of the identified facilities projects. Many factors which the District cannot predict or control may impact its ability to address each of the projects, including but not limited to construction cost issues, supply chain issues which can cause project delays, labor shortages, and unknown environmental factors or site conditions, among others. The District is unable to anticipate all unforeseen circumstances which may prevent some of the projects listed above from being undertaken or completed.

The order in which projects are listed in the foregoing Bond Project List does not suggest an order of priority. Project prioritization is vested in and will be determined by the Board.

The Bond Project List shall be considered a part of this ballot proposition, and shall be reproduced in any official document required to contain the full statement of the bond proposition.

APPENDIX B

ABBREVIATED FORM OF BOND MEASURE

“To construct new classrooms and labs at West Hills College Lemoore for career training in computer sciences, health sciences, nursing and paramedics, and qualify for State matching funds, shall West Hills Community College District’s measure authorizing \$8.6 million in bonds be adopted with estimated levies of less than 1¢ per \$100 of assessed value (raising \$727,000 annually through 2039), legal interest rates, annual audits, citizens’ oversight, and no funds used for administrators’ salaries?”

APPENDIX C TAX RATE STATEMENT

An election will be held in School Facilities Improvement District No. 3 (Lemoore Area) (the "Improvement District") of the West Hills Community College District (the "District") on November 8, 2022, to authorize the sale of up to \$8,600,000 in general obligation bonds. The following information is submitted in compliance with Sections 9400-9404 of the Elections Code of the State of California. Such information is based upon the best estimates and projections presently available from official sources, upon experience within the Improvement District, and other demonstrable factors.

Based upon the foregoing and projections of the Improvement District's assessed valuation, the following information is provided:

1. The best estimate of the average annual tax rate that would be required to fund this bond issue over the entire duration of the bond debt service, based on estimated assessed valuations available at the time of filing of this statement, is \$0.00935 per \$100 (\$9.35 per \$100,000) of assessed valuation in fiscal year 2021-22. It is currently expected that the tax will be collected until fiscal year 2038-39.

2. The best estimate of the highest tax rate that would be required to fund this bond issue, based on estimated assessed valuations available at the time of filing this statement, is \$0.00935 per \$100 (\$9.35 per \$100,000) of assessed valuation. This rate is projected to apply in each fiscal year that the bonds are outstanding.

3. The best estimate of total debt service, including principal and interest, that would be required to be repaid if all the bonds are issued and sold will be approximately \$12,351,139.

These estimates are based on projections derived from information obtained from official sources, and are based on the assessed value (not market value) of taxable property on the official tax rolls of each County in which the Improvement District is located. In addition, taxpayers eligible for a property tax exemption, such as the homeowner's exemption, will be taxed at a lower effective tax rate than described above. Property owners should consult their own property tax bills and tax advisors to determine their property's assessed value and any applicable tax exemptions. The attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which amounts are not maximum amounts and durations and are not binding upon the District. The actual debt service, tax rates and the years in which they will apply may vary depending on the timing of bond sales, the par amount of bonds sold at each sale and actual increases in assessed valuations. The timing of the bond sales and the amount of bonds sold at any given time will be determined by the District based on the need for project funds and other considerations. Actual assessed valuations will depend upon the amount and value of taxable property within the Improvement District as determined by each County Assessor in the annual assessment and the equalization process.



Kristin Clark, Chancellor
West Hills Community College District