

RESOLUTION NO. 23/24-32

**RESOLUTION OF THE BOARD OF EDUCATION OF THE MODESTO CITY
ELEMENTARY SCHOOL DISTRICT ORDERING A SCHOOL BOND
ELECTION ON NOVEMBER 5, 2024, REQUESTING CONSOLIDATION
WITH OTHER MEASURES OCCURRING ON NOVEMBER 5, 2024, AND
AUTHORIZING NECESSARY ACTIONS IN CONNECTION THEREWITH**

WHEREAS, Modesto City Schools strives for every student to graduate ready for success in high school, college and careers; and

WHEREAS, Modesto City Schools, which is comprised of Modesto City Elementary School District ("District") and Modesto High School District under a common Board of Education ("Board"), have been educating local students since 1871 and some of the schools were built between 50 to 90 years ago and need repairs and safety upgrades to meet modern academic, health, and safety standards; and

WHEREAS, our community's support for school facility improvement bond measures in the past, under Measures "D" and "E" in 2018, has helped fund critical repair, modernization and safety improvements at the District's elementary and middle schools; and

WHEREAS, though funding has made a significant impact on the condition of numerous District schools, funds from Measures "D" and "E" have been depleted, yet our local schools still have an urgent need for repairs and upgrades that must be addressed to support quality education and help the District to achieve its vision that every student graduates with the skills, knowledge, and character traits essential to thrive and contribute to society; and

WHEREAS, to identify specific facility needs at each school and to prioritize improvements based on urgency and importance, Modesto City Schools partnered with school architects and construction experts to assess the condition of every classroom, lab and school facility in the District and prepared a detailed Facilities Master Plan to guide the improvement of local schools; and

WHEREAS, many of the cafeterias and multi-purpose rooms at local elementary and middle schools are located in aging portable buildings that do not meet current health and safety codes, have leaking roofs, deteriorating plumbing and limited access for students with disabilities; and

WHEREAS, many school cafeterias and multipurpose rooms lack the necessary indoor space for students to eat and gather safely on rainy or smoky days; and

WHEREAS, to address these challenges, the Board believes that a school improvement bond measure within the District is needed to provide locally controlled funding for upgrades to local elementary and middle schools that cannot be taken away by the State; and

WHEREAS, because the State does not provide dedicated funding to school districts for facilities upgrades, a local funding source is needed to maintain safe learning environments that support quality education; and

WHEREAS, revenue from school facility improvement bond measures is the primary means by which all school districts are able to keep school buildings and classrooms in good

repair, safe, and equipped to support changing educational standards, methods and approaches; and

WHEREAS, funding from a school facility improvement bond measure could be used to (i) upgrade school cafeterias and multi-purpose rooms to address leaking roofs and deteriorating plumbing, (ii) improve access for students with disabilities, (iii) renovate or replace aging and deteriorating student restrooms, (iv) improve fire and emergency alarm systems and protect student safety, and (v) provide space for instruction in subjects like music, art, science, technology and engineering; and

WHEREAS, a school facility improvement bond measure requires strict fiscal accountability protections including an independent citizens' oversight committee and annual audits to ensure all funds are used for voter-approved projects; and

WHEREAS, all funds from a school facility improvement bond measure would be controlled locally and could not be taken away by the State; and

WHEREAS, none of the money raised from a school facility improvement bond measure could be used for administrators' salaries or pensions; and

WHEREAS, the Board 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 ("Education Code") and 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 Section 15100 *et seq.* of the Education Code; and

WHEREAS, pursuant to section 18 of Article XVI and section 1 of Article XIII A of the California Constitution (also known as "Proposition 39"), and Section 15266 of the Education Code, school districts may seek approval of general obligation bonds and levy an *ad valorem* tax to repay those bonds upon a fifty-five percent (55%) vote of those voting on a proposition for that purpose, provided certain accountability measures are included in the proposition; and

WHEREAS, the Board deems it necessary and advisable to submit such a bond proposition to the electors to be approved by fifty-five percent (55%) of the votes cast; 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, as required by Section 15266 of the Education Code, and on November 5, 2024, a statewide general election is scheduled to occur throughout the District; and

WHEREAS, pursuant to Section 15268 of the Education Code, if the measure is approved by the voters, bonds may only be issued if the tax rate levied to meet the debt service requirements would not exceed thirty dollars (\$30) per year per one hundred thousand dollars (\$100,000) of taxable property when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution, and the current estimated and projected highest tax rate, is not expected to exceed twenty-nine dollars (\$29) per year per one hundred thousand dollars (\$100,000) of such taxable property; and

WHEREAS, the estimated tax rates, duration of tax collection, and total estimated amount of debt service, is described in the Tax Rate Statement contained in **Exhibit C** hereto; and

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

WHEREAS, the Board now desires to authorize the filing of ballot arguments in favor of the measure to be submitted to the voters at the election.

NOW, THEREFORE, be it resolved, determined and ordered by the Board of Education of the Modesto City Elementary School District as follows:

Section 1. Specifications of Election Order. Pursuant to Sections 5304, 5322, 15100 *et seq.*, and Section 15266 of the Education Code, an election shall be held within the District on November 5, 2024, for the purpose of submitting to the registered voters of the District the full ballot proposition contained in **Exhibit B** ("Full Ballot Text"), which Full Ballot Text is hereby approved.

Section 2. Request to County Officers to Conduct Election; Cost of Election. The Stanislaus County Board of Supervisors ("Board of Supervisors") is hereby requested to allow and order the Stanislaus County Registrar of Voters ("County Registrar") to provide for the performance of its duties in accordance with Education Code section 5303, and pursuant to section 5303 and 5322 of the California Education Code, to take all steps to call and hold the election in accordance with law and these specifications. The District will reimburse the County Registrar and the County for costs associated with the election as required by law.

Section 3. Consolidation of Election and Canvass of Vote.

- (a) Pursuant to Section 5342 of the Education Code and Section 10400 *et seq.* of the Elections Code, the election is requested to be consolidated with other elections occurring on November 5, 2024.
- (b) The Board of Supervisors is authorized and requested to canvass the returns of the election, as necessary, pursuant to Section 10411 of the California Elections Code.

Section 4. Abbreviation of Proposition/Ballot Label. Pursuant to Sections 13119 and 13247 of the California Elections Code and Section 15122 of the Education Code, the Board hereby directs the County Registrar to use the ballot measure summary ("Ballot Label") that is attached hereto as **Exhibit A**. The Ballot Label shall function merely as an abbreviation of the Full Ballot Text and does not stand alone as a complete and binding statement of the measure, nor is it possible for the Ballot Label to contain all of the project and financial information a voter might wish to consider in casting a vote. Voters are urged to review the Full Ballot Text and the Tax Rate Statement to obtain a complete understanding of the measure, including all of the financial projections and estimates upon which the measure is based.

Section 5. Voter Pamphlet/Sample Ballot. The County Registrar is hereby requested to take the following actions with regard to the Voter Information Pamphlet to be distributed to voters pursuant to Section 13307 of the Elections Code:

- (a) To print the Full Ballot Text (**Exhibit B** hereto), without Exhibit references, in the Voter Information Pamphlet in its entirety. In the event the Full Ballot Text is not reprinted in the voter information pamphlet in its entirety, the County Registrar 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 Stanislaus County Registrar of Voters at _____ and a copy will be mailed at no cost to you."

- (b) In accordance with Education Code Section 15122.5, to print in the Voter Information Pamphlet the following statement:

"Approval of Measure _____ does not guarantee that the proposed project or projects in the Modesto City Elementary School District that are the subject of bonds under Measure _____ will be funded beyond the local revenues generated by Measure _____. The school 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."

Section 6. Accountability Measures. Pursuant to legal requirements, and as specified in the Full Ballot Text, the Board certifies that the District:

- (a) Has evaluated the facilities needs of the District and has evaluated safety, class size reduction and information technology needs in developing the Bond Project List contained in the Full Ballot Text;
- (b) Will appoint a new or empower an existing independent Citizens' Oversight Committee to ensure that bond proceeds are expended only for the school facilities projects described in the Bond Project List, in accordance with Education Code section 15278 *et seq.*;
- (c) Will conduct or cause to be conducted an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects described in the Bond Project List;
- (d) Will conduct or cause to be conducted an annual independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects described in the Bond Project List; and
- (e) Shall take all actions to establish an account in which proceeds of the sale of the bonds will be deposited, and to cause a report to be filed with the Board no later than each January 1 identifying proceeds received and expended in the past fiscal year and the status of any project funded or to be funded with bond proceeds. The first report shall be due no later than January 1 of the first year after which bonds have been issued and proceeds spent.

Section 7. Required Vote. Pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the State Constitution, the above proposition shall become effective upon the affirmative vote of at least fifty-five percent (55%) of those voters voting on the proposition.

Section 8. Delivery of Order of Election to County Officers. The Clerk of the Board is hereby directed to deliver or cause to be delivered, **no later than the County's requested submission date of June 18, 2024**, one copy of this Resolution to the County Registrar with the Tax Rate Statement (in substantially the form attached hereto as **Exhibit C**), completed and signed by the Superintendent or her designee, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of Stanislaus County.

Section 9. Ballot Arguments. The members of the Board are hereby authorized to prepare and file with the County Registrar a ballot argument in favor of the proposition contained in Section 1 hereof, and or a rebuttal argument, within the time established by the County Registrar.

Section 10. Intention to Reimburse. The District may incur costs associated with bond-funded projects described in **Exhibit B** hereto prior to the issuance of bonds. For purposes of establishing compliance with the requirements of Section 1.150-2 of the regulations of the U.S. Treasury Department, the Board hereby declares its official intent to use proceeds of the bond to reimburse itself for lawful expenditures on capital projects, including without limitation design and planning costs related to cafeteria and multipurpose room improvement projects on school campuses, as further described on the Bond Project List, up to a maximum principal amount of \$15 million.

Section 11. Further Authorization. The Superintendent and the Associate Superintendent and Chief Business Official (each, a "District Representative") 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, including, without action of the Board, modification of the Full Ballot Text, the Ballot Label, and Tax Rate Statement if either determines such modifications are necessary and in the District's best interests. This Resolution and all of its Exhibits that are filed with the County Registrar by a District Representative shall constitute the final, binding ballot measure of the District.

Section 12. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this day, June 3, 2024, by the following vote:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

MODESTO CITY ELEMENTARY SCHOOL DISTRICT

By: _____
Board President

Attest:

By: _____
Board Secretary

EXHIBIT A

BALLOT LABEL

Modesto City Elementary School District Safe and Modern Schools Measure. To repair/ upgrade local elementary/ junior high schools; upgrade cafeterias/ multi-purpose rooms to fix leaking roofs, deteriorating plumbing/ restrooms; and provide instructional space for music, art, science, technology and engineering, shall Modesto City Elementary School District's measure be adopted authorizing \$85,000,000 in bonds at legal rates (\$4,500,000 annually) at \$29 per \$100,000 assessed value while bonds are outstanding, requiring citizen oversight, annual audits, no funds for administrator salaries, and all funds used locally?

Bonds - Yes _____

Bonds - No _____

EXHIBIT "B"

FULL BALLOT TEXT

Measure __

[Letter designation to be assigned by Registrar of Voters]

Modesto City Elementary School District Safe and Modern Schools Measure

By approval of this measure by at least fifty-five percent (55%) of the registered voters voting thereon, the Modesto City Elementary School District shall be authorized to issue and sell bonds of up to \$85,000,000 in aggregate principal amount to provide financing for the specific school facilities projects listed below in the Bond Project List, subject to all of the accountability safeguards specified herein.

SECTION I: KEY FINDINGS

- Modesto City Schools strives for every student to graduate ready for success in high school, college and careers.
- Modesto City Schools, comprised of the Modesto City Elementary School District ("District") and the Modesto High School District, have been educating local students since 1871 and some of the schools were built between 50 to 90 years ago and need repairs and safety upgrades to meet modern academic, health, and safety standards.
- The community's support for school facility improvement bond measures in the past, under Measures "D" and "E" in 2018, has helped fund critical repair, modernization and safety improvements at the District's elementary and middle schools.
- Though funding has made a significant impact on the condition of numerous District schools, funds from Measures "D" and "E" have been depleted, yet our local schools still have an urgent need for repairs and upgrades that must be addressed to support quality education and help the District to achieve its vision that every student graduates with the skills, knowledge, and character traits essential to thrive and contribute to society.
- To identify specific facility needs at each school and to prioritize improvements based on urgency and importance, Modesto City Schools partnered with school architects and construction experts to assess the condition of every classroom, lab and school facility in the District and prepared a detailed Facilities Master Plan to guide the improvement of local schools.
- Many of the cafeterias and multi-purpose rooms at local elementary and middle schools are located in aging portable buildings that do not meet current health and safety codes, have leaking roofs, deteriorating plumbing and limited access for students with disabilities.
- Many District school cafeterias and multipurpose rooms lack the necessary indoor space for students to eat and gather safely on rainy or smoky days, and improving the cafeterias and multipurpose rooms expand the District's ability to provide healthy eating opportunities and good student nutrition, which improves student learning and academic performance.

- To address these challenges, the Board of Education (“Board”) believes that a school improvement bond measure within Modesto City Elementary School District is needed to provide locally controlled funding for upgrades to local elementary and middle schools that cannot be taken away by the State.
- Because the State does not provide dedicated funding to school districts for facilities upgrades, a local funding source is needed to maintain safe learning environments that support quality education.
- Revenue from a school facility improvement bond measures is the primary means by which all school districts are able to keep school buildings and classrooms in good repair, safe, and equipped to support changing educational standards, methods and approaches.
- Funding from a school facility improvement bond measures could be used to (i) upgrade school cafeterias and multi-purpose rooms to address leaking roofs and deteriorating plumbing, (ii) improve access for students with disabilities, (iii) renovate or replace aging and deteriorating student restrooms, (iv) improve fire and emergency alarm systems and protect student safety, and (v) provide space for instruction in subjects like music, art, science, technology and engineering.
- A school facility improvement bond measure requires strict fiscal accountability protections including an independent citizens’ oversight committee and annual audits to ensure all funds are used for voter-approved projects.
- All funds from a school facility improvement bond measure would be controlled locally and could not be taken away by the State.
- None of the money raised from a school facility improvement bond measure could be used for administrators’ salaries or pensions.

SECTION II: ACCOUNTABILITY MEASURES

The provisions in this section are included in this proposition in order that the voters and taxpayers of the District may be assured that their money will be spent to address specific facilities needs of the District, all 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 Section 15264 *et seq.* of the California Education Code).

Evaluation of Needs. The Board of Education has evaluated the facilities needs of the District and has identified projects to finance from a local bond measure at this time. The Board of Education has certified that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

Independent Citizens’ Oversight Committee. The Board of Education shall appoint a new or empower an existing independent Citizens’ Oversight Committee in accordance with Education Code sections 15278-15282 and applicable Board policy, to ensure bond proceeds are expended only for the school facilities projects listed in the Bond Project List. The committee shall be established within sixty (60) days of the date when the Board of Education enters the results of the election in its official minutes.

Annual Performance Audit. The Board of Education shall conduct or cause to be conducted an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects described in the Bond Project List.

Annual Financial Audit. The Board of Education shall conduct or cause to be conducted an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent.

Annual Report to Board. Upon approval of this measure and the sale of any bonds approved, the Board of Education shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent shall cause a report to be filed with the Board of Education no later than January 1 of each year, commencing on the first January 1 after bonds have been issued and proceeds spent, stating (1) the amount of bond proceeds received and expended in the past fiscal year, and (2) the status of any project funded or to be funded from bond proceeds. The report may be incorporated into the annual budget, annual financial report, or other appropriate routine report to the Board.

SECTION III: BOND PROJECT LIST

This Bond Project List, which is an integral part of this measure, describes the specific projects the District proposes to finance with proceeds of the bonds. All information contained within this "Section III: Bond Project List" comprises the list and description of permissible projects and expenses that may be paid from bond proceeds.

In order to meet all identified facility needs, the District intends to complete projects using a combination of funding sources, including joint use funds or contributions, development impact fees, and state funding (if available). The District will pursue state matching funds if and when they become available, and if received, they will be used for projects on the Bond Project List or other high priority capital outlay expenditures as permitted by law. Approval of this measure does not guarantee that all projects on this Bond Project List at all listed sites will be funded beyond the local revenues generated by this measure. The District's proposal for the projects assumes the receipt of some state matching funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure. Bond funds may be used to meet any matching share contribution requirements.

Proceeds from the sale of bonds authorized by this measure shall be used only for the construction, reconstruction, rehabilitation, replacement, furnishing and equipping of school facilities, and the acquisition or lease of real property for school facilities, all as listed on the Bond Project List. All projects to be financed with bonds authorized by this measure listed on the Bond Project List have been determined by the District to be "school facilities" as that term is used in the California Constitution. "School facilities" include projects at school sites as well as administrative and teacher/staff support facilities which are necessary for, and related to, the delivery of high-quality education services. Projects listed below may be completed at any and all properties, school sites and facilities where such project is determined necessary, and projects are authorized to be performed at each and all of the District's schools, sites and facilities, including administrative and ancillary support facilities, whether owned, leased or yet to be acquired, including, without limitation, the following:

Elementary Schools	
Beard Elementary	Lakewood Elementary
Bret Harte Elementary	Marshall Elementary
Burbank Elementary	Martone Elementary
El Vista Elementary	Muir Elementary
Enslin Elementary	Robertson Road Elementary
Everett Elementary	Rose Avenue Elementary
Fairview Elementary	Shackleford Elementary
Franklin Elementary	Sonoma Elementary
Fremont Elementary	Tuolumne Elementary
Garrison Elementary	Wilson Elementary
Kirschen Elementary	Wright Elementary
Middle /Junior High Schools	
Evelyn Hanshaw Middle School	Mark Twain Junior High School
La Loma Junior High School	Roosevelt Junior High School

Specific projects to be funded by the bond measure include, without limitation, the following:

A. STUDENT HEALTH & NUTRITION PROJECTS

- Improve cafeterias and multipurpose rooms, food service, and eating areas on school campuses;
- Remove or replace aging portable cafeteria/multipurpose room buildings;
- Update, replace, and install kitchen equipment, appliances, and furniture;
- Perform infrastructure improvements and site-work related to cafeteria, multipurpose room, food service, and eating area improvements on school campuses; and
- Install shade structures to protect students from sun and rain.

B. PROJECTS TO ENHANCE STUDENT HEALTH AND SAFETY

- Improve security at schools by providing classroom intrusion alarms, video surveillance cameras, fencing, gates, access control systems, and safety locks on classroom doors and exterior lighting for student safety and other security measures;
- Update aging classrooms and District facilities, or acquire and rehabilitate existing facilities, including acquisition of property, to meet current fire and safety codes;

- Reconfigure or relocate existing programs and facilities to enhance security monitoring and access control on school campuses; Fix and/or replace leaking or deteriorating roofs;
- Install, improve or repair fire and emergency alarm systems;
- Resurface playgrounds and asphalt play areas;
- Install or repair playground equipment and play surfaces;
- Remove or replace aging portable buildings and classrooms;
- Replace aging, outdated and/or deteriorating utility infrastructure, electrical, lighting, plumbing, heating and ventilation (HVAC) systems;
- Repair or replace landscaping including irrigation and drainage systems, water supply lines, turf and vegetation;
- Create ADA-compliant access and safe pedestrian paths of travel at schools;
- Upgrade emergency communications and technology backup systems, signage and fencing;
- Improve student safety and traffic circulation by upgrading or providing additional school drop-off areas and parking lots, including the acquisition of real property where needed;
- Repair, reconfigure, replace and/or resurface sidewalks, parking areas and bus drop-off areas to improve safety and reduce traffic congestion;
- Upgrade, renovate or replace aging or deteriorating restrooms on school campuses including flooring, wall and ceiling systems, fixtures and appliances;
- Install or replace school signage and marquees;
- Repair, rebuild, equip and furnish school sites in the event of unforeseen emergency; and
- Perform code and regulatory compliance reviews for all school facilities and remediate non-conformance.

Listed projects, repairs, improvements, rehabilitation projects and upgrades will be completed only as needed, and the listing of projects does not imply a particular prioritization among such improvements. Projects may be done in phases, based on Board of Education priorities available funding. Listed projects may be completed at any and all District schools, sites, properties (owned, leased or yet to be acquired) and education buildings where such project is determined necessary. Bond projects are anticipated to provide benefit to all users of school facilities, sites and buildings, including charter schools that occupy school campuses, community members and other organizations.

Decisions regarding the scope, function, timing, location, prioritization or other facets of project implementation for school facility projects listed on the Bond Project List will be made solely by the Board of Education by subsequent action, including the interpretation, meaning and intent of each listed project. Where terms such as “renovate,” “upgrade,” “replace,” “improve” and “repair” are used in the Bond Project List, the Board of Education

has the discretion to determine the best method for accomplishing the project's objective, including the use of new construction. For any listed project involving renovation or modernization of a building or the major portion of a building, the District may proceed with new replacement construction instead (including any necessary demolition), if the District determines that replacement and new construction is more practical than renovation, considering the building's age, condition, expected remaining life, comparative cost and other relevant factors. In addition, where feasible, projects may be completed in partnership with other public or private agencies on a joint use basis using bond proceeds, subject to federal tax rules and regulations.

Each project is assumed to include its share of costs of bond issuance, architectural, engineering, legal and similar planning costs; litigation costs; construction management; bond project consultants; staff development and training expenses associated with learning construction techniques and approaches and new bond-funded equipment and systems; the furnishing and equipping of all projects, including equipment to maintain facilities in a safe and clean condition; and a customary contingency for unforeseen design and construction costs. Payment of the costs of preparation of facilities planning and project implementation studies, feasibility and assessment reviews, master planning, environmental studies, permit and inspection fees, Division of State Architect (DSA) - related requirements, studies and assessments, including ADA and seismic, and temporary housing and relocation costs for dislocated programs or activities caused or necessitated by projects on the Bond Project List are permissible bond expenditures. Land may be acquired for any project, and all projects may be furnished and equipped using bond proceeds to ensure the functionality and usability of facilities and sites constructed or reconstructed with bond proceeds. Bond proceeds may be used to retire any interim funding incurred to advance fund projects described on the Bond Project List.

The final cost of each project will be determined as plans are finalized and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Necessary site preparation, grading or restoration may occur in connection with acquisition of property, new construction, modernization, renovation or remodeling, or installation or removal of modular classrooms, including ingress and egress, removing, replacing or installing irrigation, utility lines, trees and landscaping, relocating fire access roads and acquiring any necessary easements, leases, licenses or rights of way to the property.

SECTION IV: ADDITIONAL SPECIFICATIONS

No Operating Expenses. Proceeds from the sale of Bonds authorized by this proposition shall be used only for the construction, reconstruction, rehabilitation or replacement of school facilities on the Bond Project List, including the furnishing and equipping of said school facilities, or the acquisition or lease of real property for said school facilities, and not for any other purpose, including teacher or administrator salaries and other school operating expenses in accordance with applicable law.

Single Purpose. All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to Section 15100 of the California Education Code, and all the enumerated purposes shall constitute the specific single purpose of the bonds and proceeds of the bonds shall be spent only for such purpose.

Other Terms of the Bonds. The bonds may be issued and sold in several series, and in accordance with a financing plan determined by the Board of Education pursuant to requirements of law. When sold, the bonds shall bear interest at an annual rate not exceeding the statutory maximum and with a maximum term not exceeding the statutory maximum, provided that the average useful life of bonds sold will not exceed one hundred twenty percent

(120%) of the average life of the projects being financed or as otherwise provided by federal tax law. Bond funds may be used to reimburse the District for Bond Project list expenditures incurred prior to the election and bond issuance, in accordance with federal tax law.

Attention of all voters is directed to the fact that the financial information contained in this measure is based upon the District's projections and estimates only, which are not binding upon the District, nor are the summary or average payment estimates, if any, provided in the Ballot Label. The actual tax rates, debt service and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

In preparing this information, the District obtained reasonable and informed projections of assessed property valuations that took into consideration projections of assessed property valuations made by the County Assessor, if any, in accordance with Education Code Section 15100(c).

EXHIBIT C

TAX RATE STATEMENT

An election will be held within the boundaries of the Modesto City Elementary School District ("District") on November 5, 2024 to authorize the sale of up to \$85 million in bonds to finance facilities as described in the measure. If the bonds are approved, the District expects to sell the bonds in multiple series. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property located within the District. The following information is provided in compliance with Sections 9400 to 9404, inclusive, of the California Elections Code.

1. The best estimate from official sources of the average annual tax rate that would be required to be levied to fund this bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of the election and a projection based on experience within the same jurisdiction and other demonstrable factors, is estimated to be \$23 per \$100,000 of assessed valuation. The final fiscal year in which the tax is anticipated to be collected is 2058-59.

2. The best estimate from official sources of the highest tax rate that would be required to be levied to fund this bond issue, and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of filing this statement, and a projection based on experience within the same jurisdiction and other demonstrable factors, is estimated to be \$29 per \$100,000 of assessed valuation first occurring in fiscal year 2030-31.

3. The best estimate from official sources of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold is \$140,000,000.

Voters should note that the estimated tax rate is based on the ASSESSED VALUE of taxable property on the Stanislaus County official tax rolls, not on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates, debt service and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

Sara Noguchi, Ed.D., Superintendent