

RESOLUTION

RESOLUTION ORDERING AND CALLING A SPECIAL BOND ELECTION TO BE HELD IN AND FOR AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10 OF PIMA COUNTY, ARIZONA, ON NOVEMBER 5, 2024; PROVIDING FOR THE CONDUCT OF THE ELECTION, SETTING A DEADLINE TO SUBMIT ARGUMENTS “FOR” OR “AGAINST” THE BONDS, THE PRINTING OF BALLOTS, THE CANVASSING OF THE ELECTION AND AUTHORIZING THE DISTRICT’S CHIEF FINANCIAL OFFICER AS THE OFFICER TO COMPLY WITH SECTIONS 103 AND 141 THROUGH 150 OF THE INTERNAL REVENUE CODE.

WHEREAS, it appears that the needs and best interests of Amphitheater Unified School District No. 10 of Pima County, Arizona (the “*District*”), will be served by the issuance and sale of School Improvement Bonds (the “*Bonds*”) of the District; and

WHEREAS, the laws of the State of Arizona require that an election be held prior to engaging in certain actions, including the issuance and sale of the Bonds; and

WHEREAS, by this resolution the Governing Board of the District (the “*Board*”) will (a) order that a special bond election be held in and for this District on November 5, 2024; and (b) order preparation and mailing of the notice, Informational Pamphlet (as hereinafter defined) and sample ballot for the Election (as hereinafter defined); and

WHEREAS, by this resolution the District will publicly declare the last day for receipt of arguments “for” and “against” the Bonds for inclusion in the Informational Pamphlet; and

WHEREAS, the District may make expenditures in connection with the proposed projects to be acquired and/or constructed with the proceeds of the proposed Bonds; and

WHEREAS, in order to comply with Sections 103 and 141 through 150 of the Internal Revenue Service Code of 1986, as amended, the District may be required, pursuant to Treasury Regulation Section 1.150-2, to declare its intention to reimburse an expenditure with proceeds of the proposed Bonds; and

WHEREAS, in order to reimburse the District from proceeds of the Bonds such declaration of intention to reimburse from Bond proceeds for an expenditure made prior to issuance of the Bonds must be made not later than 60 days after the payment of such expenditure; and

WHEREAS, the District shall designate the Chief Financial Officer as the officer to declare such official intent on its behalf;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10 OF PIMA COUNTY, ARIZONA, THAT:

Section 1. Order and Call of Election; Term of the Bonds. A special bond election (the “*Election*”) is hereby ordered to be held in and for this District on November 5, 2024 in the manner prescribed in Section 15-491 and Title 35, Chapter 3, Article 3, Arizona Revised Statutes, as amended (“*A.R.S.*”), and in conjunction with the Statewide general election to be held on such date. The form of ballot for such Election shall be in substantially the form attached to this resolution as *Exhibit A*, which is a part of this resolution and the terms are incorporated into this call of Election by reference thereto and shall be submitted to the electors at the Election. The District Superintendent or Chief Financial Officer is

authorized to revise the form of ballot hereto as necessary to comply with all applicable laws. The estimated fiscal year 2023/2024 constitutional debt limit of the District is \$693,091,340, the fiscal year 2024/2025 constitutional debt limit of the District is \$833,461,867, the current outstanding general obligation debt of the District is \$75,106,351 and the outstanding general obligation debt of the District after the July 1, 2024 principal payment will be \$66,119,889. The minimum and maximum number of years that any issue or series of bonds may run from their date shall be as follows: bonds of this authorization may mature not earlier than one year (or a portion thereof) from their date or more than twenty (20) years from their date. The Board hereby authorizes the District to cause an Election to authorize the issuance and sale of general obligation bonds in the principal amount not to exceed \$84,000,000. The Bonds shall bear interest of not to exceed 8.00% per year.

Section 2. Request to County School Superintendent; Informational Pamphlet.

The County School Superintendent of Pima County (the "*County School Superintendent*") is hereby requested to cause the preparation and distribution of an informational pamphlet including a sample ballot (collectively, the "*Informational Pamphlet*") for the District pursuant to A.R.S. §§ 15-491, 15-492 and 35-454. The District Superintendent or Chief Financial Officer is hereby directed to mail, or to aid the County School Superintendent's mailing, to each household in the District in which a qualified elector resides, an Informational Pamphlet.

The President, any member of this Board, the District Superintendent or Chief Financial Officer and the District staff are hereby authorized to prepare and deliver or cause to be prepared and delivered to the County School Superintendent, on behalf of the Board, the information necessary or appropriate to complete the Informational Pamphlet.

The District Superintendent or Chief Financial Officer and the District staff are hereby authorized and directed to cause a copy of the Informational Pamphlet to be submitted to the Arizona Department of Revenue within 30 days after the Election.

Section 3. Conduct of Election; Contracts; Expenditures. The Election may be conducted as a mailed ballot election as provided in A.R.S. § 16-409 or a polling place election, as determined by the District Superintendent, Chief Financial Officer or the County Elections Department. The Board is hereby authorized to request the County School Superintendent and County Elections Department to have ballots printed in substantially the form of *Exhibit A* and to deliver them to the election officials to be given to the qualified electors of the District appearing to vote in the Election as provided by law. The Board authorizes all expenditures as may be necessary to order, notice, hold and administer the Election, and if applicable, including but not limited to the cost of the return postage to return the voted mail ballots if the Election is conducted as a mailed ballot election to the officer in charge of the Election, which expenditures shall be paid from current operating funds. The District Superintendent or Chief Financial Officer is authorized and directed to take all acts, including entering into intergovernmental agreements with the County Recorder (the "*County Recorder*"), the County Elections Department or the County School Superintendent, to carry out the Election. The District Superintendent or Chief Financial Officer shall cooperate with the County School Superintendent to ensure proper administration of the Election.

Section 4. Notice and Call of Election.

(A) **Posting of Notice.** The District or the County School Superintendent will cause the Notice and Call of Special Election (the "*Notice*") in substantially the form attached hereto as set forth in *Exhibit B-1* or *Exhibit B-2*, as applicable, to be posted not less than 25 days before the Election as required by law.

(B) Publication of Notice in Newspaper of General Circulation. The District or the County School Superintendent will cause the Notice and Call of Special Election, in substantially the form attached hereto as set forth in Exhibit B-1 or Exhibit B-2, as applicable, to be published once a week for two successive weeks in a newspaper of general circulation within the District, if available, during any two of the six weeks preceding 150 days before the Election. If a newspaper of general circulation is not available within the District, such Notice shall be posted on the District's website and at other locations at which the District posts notices of Board meetings.

Section 5. Ballot Replacement Location. The District Superintendent or Chief Financial Officer shall coordinate with the County School Superintendent and County Elections Department to designate a location for purposes of replacing ballots that have been lost, spoiled, destroyed or not received by the elector.

Section 6. Precincts and Polling Places. For purposes of a polling place election which may be held in conjunction with any county, city or special district election of any overlapping jurisdiction, the Board determines that the County election precincts will serve as the District election precincts, including any consolidation of such precincts as determined by the County Elections Department and the District's Superintendent or designee. The location of each polling place will be determined by the County Elections Department, which will conduct the Election on behalf of the District. The polls will open at 6:00 a.m. and will close at 7:00 p.m. on November 5, 2024.

Section 7. Early Voting. Early voting will be permitted at the Election in accordance with the provisions of Title 16, Chapter 4, Article 8, Arizona Revised Statutes.

Section 8. Public Declaration; Submission of Arguments. This Board hereby declares that the County School Superintendent has set the date of 8/9/2024 at the hour of 5:00 p.m. as the deadline to submit arguments "for" or "against" authorization to issue the bonds. The District Superintendent or Chief Financial Officer is authorized to publish in a newspaper of general circulation within the District a notice stating the deadline for filing with the County School Superintendent of arguments "for" or "against" the bonds, for inclusion in the Informational Pamphlet pertaining to the bonds. A form of the notice requesting arguments "for" or "against", including the deadline for submitting arguments is attached hereto as Exhibit C. The notice requesting arguments shall be published in a newspaper of general circulation in the District four consecutive times if a daily newspaper or once a week for two consecutive weeks if a weekly newspaper. The District Superintendent or Chief Financial Officer is authorized to revise the form of notice hereto as necessary to comply with all applicable laws or any change of date by the County School Superintendent.

Section 9. Voting Rights Act. In order to comply with the Voting Rights Act of 1965, as amended, the following proceedings pertaining to the Election will be translated into Spanish and posted and published in each instance where posting and publication of such proceedings are required, to-wit: ballot, notice, request for "for" and "against" arguments, Informational Pamphlet, all voting materials and all voting instructions. The officers of the District and the County are further authorized and directed to take all action necessary to comply with the Voting Rights Act of 1965, as amended.

Section 10. Submission of Ballot. The District Superintendent or Chief Financial Officer is hereby directed to cause, at least 85 days before the Election, the draft ballot to be submitted to the County School Superintendent and the Arizona legislative council for review and approval and shall be guided by such rulings.

Section 11. **Canvass.** The Pima County Elections Director or the Pima County Board of Supervisors is requested and authorized to canvass the returns of the Election within 30 days of the Election, as required by A.R.S. § 15-493.

Section 12. **Other Actions.** The District Superintendent or the Chief Financial Officer is authorized to take all necessary action to facilitate the Election.

Section 13. **Reimbursement.** The District's Chief Financial Officer is hereby designated as the officer to declare, from time to time, the official intent of the District to reimburse an expenditure with the proceeds of the proposed bonds pursuant to Treasury Regulation Section 1.150-2. Such declaration of official intent shall be signed by the Chief Financial Officer and shall be in substantially the form attached hereto as *Exhibit D* or such other form as may be necessary to comply with the provisions of Treasury Regulation Section 1.150-2. The declaration of intent shall be effective when executed.

Section 14. **Ratification.** All actions of the members of the Board, officers, employees and agents of the District which are in conformity with the purposes and intent of this resolution, whether heretofore or hereafter taken, shall be and are hereby ratified, confirmed, authorized and approved.

Section 15. **Transmission of Resolution.** A certified copy of this Resolution shall be delivered to the County School Superintendent and the County Elections Director.

[Signature on following page]

PASSED AND ADOPTED on June 11, 2024.

President, Governing Board

EXHIBITS A – Sample Ballot
 B – Notice and Call of Special Bond Election
 C – Request for Arguments
 D – Declaration of Official Intent

[Signature page to Bond Election Resolution]

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