

RESOLUTION

RESOLUTION ORDERING AND CALLING A SPECIAL MAINTENANCE AND OPERATION BUDGET OVERRIDE ELECTION TO BE HELD IN AND FOR AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10 OF PIMA COUNTY, ARIZONA, ON NOVEMBER 5, 2024 AND PROVIDING FOR NOTICE OF THE ELECTION, THE CONDUCT OF THE ELECTION, THE ESTABLISHMENT OF A DEADLINE BY THE COUNTY SCHOOL SUPERINTENDENT TO SUBMIT ARGUMENTS “FOR” OR “AGAINST” THE OVERRIDE AUTHORITY, THE PRINTING OF BALLOTS AND THE CANVASSING OF THE ELECTION.

WHEREAS, Arizona Revised Statutes (“A.R.S.”) § 15-481, as amended, provides that if the proposed budget of Amphitheater Unified School District No. 10 of Pima County, Arizona (the “*District*”), will exceed the aggregate budget limit for the budget year, the Governing Board of the District (the “*Board*”) shall order an override election to be held not less than 90 days from the date of the order for the purpose of presenting the proposed budget to the qualified electors of the District who shall by a majority of those voting either affirm or reject the proposed budget increase; and

WHEREAS, pursuant to prior voter approval of a 13.5% increase in the District’s revenue control limit, the District has operated pursuant to such budget override authority and now desires to seek a continuation of such override authority; and

WHEREAS, the existing 13.5% budget authorization will be reduced by one-third as required by State law in fiscal year 2025/2026 and another one-third in fiscal year 2026/2027, and terminate thereafter, unless such authorization is renewed by the voters in the District; and

WHEREAS, the Board deems it necessary and in the best interests of the District to order and call a special election to submit to the voters the question of authorizing the District, for a period of seven years, to continue to exceed its applicable revenue control limit by 13.5% for the first five years, 9.0% for the sixth year and 4.5% for the seventh year; such special election to be held in and for the District on November 5, 2024, pursuant to the provisions of A.R.S. § 15-481;

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. A special override election (the “*Election*”) is hereby ordered and called to be held in and for this District on November 5, 2024, in the manner prescribed in A.R.S. § 15-481, and in conjunction with the Statewide general election to be held on such date, to submit to the qualified electors of the District the question shown on the form of official ballot, in substantially the form attached hereto as *Exhibit A* and incorporated by reference herein. The District Superintendent or Chief Financial Officer is authorized and directed to complete the budget estimate and insert the appropriate dollar amount and tax rate in the ballot and take such actions as are necessary to assist the Pima County School Superintendent (the “*County School Superintendent*”) and the Pima County Elections Department (the “*County Elections Department*”) in performing their duties with respect to the Election.

Section 2. Request to County School Superintendent; Informational Pamphlet. 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. § 15-481. 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.

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, 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 Pima 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. Public Declaration: Submission of Arguments. The Board publicly declares that: Pursuant to A.R.S. § 15-481, the County School Superintendent has established 8/9/2024 as the deadline for submitting arguments “for” or “against” the proposed increase in the budget. The arguments must be received by the County School Superintendent on or before 5:00 p.m. on 8/9/2024. As required by statute, the District shall immediately post the 8/9/2024 deadline for submitting arguments in a prominent location on the District’s website. A form of the notice requesting arguments “for” or “against”, including the deadline for submitting arguments, is attached hereto as *Exhibit C*. 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 6. 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 7. 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 8. Early Voting. Early voting will be permitted at the Election in accordance with the provisions of A.R.S. Title 16, Chapter 4, Article 8.

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: 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. Canvass. The County School Superintendent and the Chairman of the Board of Supervisors of the County are requested to and authorized to canvass the returns of the Election within 30 days of the Election, as required by law.

Section 11. Other Actions. The District Superintendent or Chief Financial Officer is authorized to take all necessary action to facilitate the Election.

Section 12. Cancellation. The Election called hereunder may be cancelled by acts of the Board in accordance with the provisions of A.R.S. § 15-481.

Section 13. 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 14. 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 Election
 C – Request for Arguments

[Signature page to M&O Election Resolution]

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