

## RESOLUTION

**RESOLUTION ORDERING AND CALLING A SPECIAL DISTRICT ADDITIONAL ASSISTANCE OVERRIDE ELECTION TO BE HELD IN AND FOR SOMERTON ELEMENTARY SCHOOL DISTRICT NO. 11 OF YUMA COUNTY, ARIZONA, ON NOVEMBER 8, 2016; 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 [; AND APPROVING THE GOVERNING BOARD'S ARGUMENT IN SUPPORT OF THE ELECTION.]**

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**WHEREAS**, Arizona Revised Statutes ("*A.R.S.*") § 15-481, as amended, provides that if the proposed budget of Somerton Elementary School District No. 11 of Yuma County, Arizona (the "*District*"), will include an amount exceeding the district additional assistance limit (formerly known as the capital outlay revenue 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 an increase in the district additional assistance budget limit for capital outlay expenses, the District has operated pursuant to such budget override authority; and

**WHEREAS**, the Board desires to order and call a special election for the purpose of submitting to the voters the question of authorizing the District to exceed its district additional assistance budget by the lesser of \$1,300,000.00 or ten percent (10%) of the District's revenue control limit per year for a period of not to exceed four years. The special election is to be held in and for the District on November 8, 2016 pursuant to the provisions of A.R.S. § 15-481, as amended;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF SOMERTON ELEMENTARY SCHOOL DISTRICT NO. 11 OF YUMA COUNTY, ARIZONA, THAT:**

**Section 1. Order and Call of Election.** A special district additional assistance budget override election (the "*Election*") is hereby ordered and called to be held in and for this District on November 8, 2016, 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 [Human Resources and Special Projects Director] is authorized and directed to complete the budget estimates and insert the appropriate dollar amount and tax rate in the ballot and take such actions as are necessary to assist the Yuma County School Superintendent (the "*County School Superintendent*") and Yuma 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 prepare an informational pamphlet and sample ballot (the "*Informational Pamphlet*") for the District pursuant to A.R.S. § 15-481. The Informational Pamphlet shall be mailed to the households within the District in which qualified electors reside, before the date of the Election within the time period set forth in A.R.S. § 15-481.

The President, any member of this Board, the District Superintendent or [Human Resources and Special Projects Director] 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, [Human Resources and Special Projects Director] 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 [Human Resources and Special Projects Director] 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 shall cooperate with the County School Superintendent to ensure proper administration of the Election.

**Section 4. Notice of Election.**

(A) **Posting of Notice.** For a mailed ballot election and polling place election, the District or the County School Superintendent will cause the notice of the 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 for Mailed Ballot Election.** For a mailed ballot election, the Notice, including the call of Election, which is marked *Exhibit B-1* shall be published once a week for two successive weeks during any two of the six weeks preceding 90 days before the Election.

**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 August 10, 2016 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 August 10, 2016. As required by statute, the District shall immediately post the August 10, 2016 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 [Human Resources and Special Projects Director] 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. The District Superintendent or [Human Resources and Special Projects Director] is authorized to cause the posting of a notice requesting the filing with the County School Superintendent of arguments "for" or "against" the Election on the District's website.

**Section 6. Early Voting.** If the Election is a polling place election early voting will be permitted at the Election in accordance with the provisions of A.R.S. Title 16, Chapter 4, Article 8.

**Section 7. Submission of Ballot.** The District Superintendent or [Human Resources and Special Projects Director] is hereby directed to cause, at least 85 days before the Election, the draft ballot to be submitted to the Arizona legislative council for review and approval and shall be guided by said council's ruling.

**Section 8. Ballot Replacement Location.** The District Superintendent or [Human Resources and Special Projects Director] 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 9. 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 8, 2016.

**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 the [Human Resources and Special Projects Director] 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.V.

**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.**    **Approval of Board Argument.**    **The form of the Board's "for" argument in support of the proposed increase in the budget attached hereto as Exhibit D is hereby approved.]***

**PASSED AND ADOPTED** on June 8, 2016.

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President, Governing Board

Exhibit A – Sample Ballot

Exhibit B-1 – Notice and Call of Special Election (Mailed Ballot Election)

Exhibit B-2 – Notice of Special Election (Polling Place Election)

Exhibit C – Request for Arguments

[Exhibit D – Board's "For" Argument]

**EXHIBIT A**

**SAMPLE BALLOT – DISTRICT ADDITIONAL ASSISTANCE BUDGET OVERRIDE**

**SPECIAL ELECTION**

Somerton Elementary School District No. 11

Yuma County, Arizona - November 8, 2016

**QUESTION**

Shall the Governing Board of Somerton Elementary School District No. 11 of Yuma County, Arizona, adopt a budget that includes an amount for capital purposes that exceeds the district additional assistance budget limit by the lesser of \$1,300,000.00 or ten percent of the District's revenue control limit per fiscal year for fiscal year 2016-2017 and the three (3) fiscal years thereafter? [The budget override authority and projected tax rate represent an extension of the existing budget override authority and resulting tax.] As required by statute, the district additional assistance budget override amount is limited to ten percent of the revenue control limit for each year.

The amount of the proposed increase of the proposed budget over the alternate budget for fiscal year 2017-2018 is estimated to be \$1,300,000.00.

Any budget increase authorized by this election shall be entirely funded by a levy of taxes upon the taxable property within this school district for the year in which adopted and for six subsequent years, shall not be realized from monies furnished by the state and shall not be subject to the limitation on taxes specified in Article IX, Section 18, Constitution of Arizona. Based on the current net assessed valuation used for secondary property tax purposes, to fund the proposed increase in the school district's budget would require an estimated tax rate of \$2.3094 per one hundred dollars of net assessed valuation used for secondary property tax purposes and is in addition to the school district's tax rate which will be levied to fund the school district's district additional assistance allowed by law.

The capital improvements that are proposed to be funded through this override election are to exceed the State standards and are in addition to monies provided by the State.

Somerton Elementary School District is proposing to increase its budget by not more than the lesser of \$1,300,000.00 or ten percent of the District's revenue control limit to fund capital improvements over and above those funded by the State. Under the Students FIRST capital funding system, Somerton Elementary School District is entitled to State monies for new construction and renovation of school buildings in accordance with State law.

BUDGET INCREASE, YES	<input type="checkbox"/>
BUDGET INCREASE, NO	<input type="checkbox"/>

[At the discretion of the County elections department, the question set forth above may be presented on the actual ballot in summary form, reading substantially as follows:]

A "yes" vote shall authorize the Somerton Elementary School District Governing Board to adopt a budget which includes an amount for capital purposes that exceeds its district additional assistance budget limit by the lesser of \$1,300,000.00 or ten percent of the District's revenue control limit.

A "no" vote shall not authorize the Somerton Elementary School District Governing Board to adopt a budget which includes an amount for capital purposes that exceeds its district additional assistance budget limit by up to \$1,300,000.00 or ten percent of the District's revenue control limit.

**EXHIBIT B-1**

**(MAILED BALLOT ELECTION)**

**NOTICE AND CALL OF SPECIAL ELECTION**

**TO THE QUALIFIED ELECTORS OF SOMERTON ELEMENTARY SCHOOL DISTRICT NO. 11 OF YUMA COUNTY, ARIZONA:**

A special election has been called by, and will be held in, Somerton Elementary School District No. 11 of Yuma County, Arizona (the "District"), on November 8, 2016 ("Election Day"). The purpose of the election is to permit the qualified electors of the District to vote on authorizing the District to exceed its district additional assistance budget limit for a period of not to exceed four (4) years in an amount not to exceed the lesser of \$1,300,000.00 or ten percent (10%) of the District's revenue control limit per year. To fund the increase in the District's budget would require an estimated tax rate of \$2.3094 per \$100 of net assessed valuation used for secondary property tax purposes. In future years the amount of the increase will be as provided by law.

The election will be a mailed ballot only election. No polling places will be provided. Ballots will be mailed to qualified electors residing within the District no earlier than 26 days prior to the election and no later than 15 days before the election.

The last day to register to vote in order to be eligible to vote in this election is Monday, October 10, 2016.

Any qualified elector is eligible for early voting. Early voting materials may be obtained by contacting the Yuma County Elections Department, 198 S. Main Street, Yuma, AZ 85364; telephone: (928) 373-1014. For more information about the foregoing, please review A.R.S. § 15-481 or contact the Somerton Elementary School District, 343 N. Carlisle Avenue, Somerton, AZ 85350, telephone: (928) 341-6000.

**EXHIBIT B-2**

**[POLLING PLACE ELECTION]**

**NOTICE OF SPECIAL ELECTION**

**TO THE QUALIFIED ELECTORS OF SOMERTON ELEMENTARY SCHOOL DISTRICT NO. 11 OF YUMA COUNTY, ARIZONA:**

A special election will be held in Somerton Elementary School District No. 11 of Yuma County, Arizona (the "District"), on November 8, 2016, at the following polling places:

<u>Precinct</u>	<u>Polling Place</u>
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The polls will open at 6:00 a.m. and close at 7:00 p.m. The purpose of the election is to permit the qualified electors of the District to vote on authorizing the District to exceed its district additional assistance budget limit for a period of not to exceed four (4) years, in an amount not to exceed the lesser of \$1,300,000.00 or ten percent (10%) of the District's revenue control limit per year. To fund the increase in the District's budget would require an estimated tax rate of \$2.3094 per \$100 of net assessed valuation used for secondary property tax purposes. In future years the amount of the increase will be as provided by law.

Any qualified elector is eligible for early voting. Early voting materials may be obtained by contacting the Yuma County Elections Department, 198 S. Main Street, Yuma, AZ 85364, telephone: (928) 373-1014. For more information about the foregoing, please review A.R.S. § 15-481 or contact the Somerton Elementary School District 343 N. Carlisle Avenue, Somerton, AZ 85350, telephone: (928) 341-6000.



## **EXHIBIT C**

### **REQUEST FOR ARGUMENTS "FOR" OR "AGAINST" THE SPECIAL ELECTION SOMERTON ELEMENTARY SCHOOL DISTRICT NO. 11**

Somerton Elementary School District No. 11 of Yuma County, Arizona (the "*District*"), will hold a special district additional assistance budget override election (formerly known as a capital outlay budget override election) on Tuesday, November 8, 2016. The District seeks authorization to exceed its district additional assistance budget by the lesser of \$1,300,000.00 or ten percent of its revenue control limit. The estimated first year tax rate for the proposed district additional assistance budget override is \$2.3094 per \$100 of net assessed valuation used for secondary property tax purposes. The Yuma County School Superintendent will be preparing an informational pamphlet that will be mailed to households containing one or more registered electors within the District. Any persons wishing to submit an argument "for" or "against" the district additional assistance budget override question (not to exceed 200 words) may do so by mail or hand delivery of the argument to the Yuma County School Superintendent's office, 210 S. First Avenue, Yuma, AZ 85364; telephone: (928) 373-1006.

To be included in the informational pamphlet, such argument must be received in the office of the Yuma County School Superintendent on or before 5:00 p.m., August 10, 2016. Such argument must be signed and include the name of the District, the author's name, the name of any entity submitting an argument, address and telephone number. The entity and author's name will be printed in the informational pamphlet. The last day to register to vote in order to be eligible to vote in this election is Monday, October 10, 2016. For more information concerning the election, please contact the Somerton Elementary School District No. 11, 343 N. Carlisle Avenue, Somerton, AZ 85350, telephone: (928) 341-6000.

## **EXHIBIT D**

### BOARD'S "FOR" ARGUMENT