

From: [Tiffany Wilhelm](#)
To: [Denise Sheehan](#)
Subject: RE: Public Records Act Request
Date: Friday, July 15, 2022 2:05:00 PM
Attachments: [Policy 7214 General Obligation Bonds.pdf](#)
[Regulation 7214 General Obligation Bonds.pdf](#)

Hi Denise.

Thank you for your reply. I understand that you are looking for our 2021 Citizens' Bond Oversight Committee (CBOC) Annual Report. The 2021 report is underway and a copy will be posted to the website once approved by the CBOC.

With regard to Board Policy for the CBOC, all of our Board Policies are available on our District website. I have downloaded and attached BP and AR 7214 as applies to CBOC in order to assist your request.

Thank you for your patience and good communication.

Please let me know if you have any additional questions.

Tiffany Wilhelm
*District Executive Assistant
& Special Projects Manager*
Hamilton Unified School District
620 Canal Street, PO Box 488
Hamilton City, CA 95951
P: (530) 826-3261 Ext. 6011
F: (530) 826-0440
<https://www.husdschools.org/>

From: Denise Sheehan <denise.caboc@gmail.com>
Sent: Wednesday, July 13, 2022 3:28 PM
To: Tiffany Wilhelm <TWilhelm@husdschools.org>
Subject: Re: Public Records Act Request

Thank you for the information. I was not able to find the CBOC Annual Report (not an audit report) for 2021 or a Board policy for the CBOC. **Can you direct me to those if you have them?**

Denise Sheehan, Administrative Manager
California Association of Bond Oversight Committees
denise.caboc@gmail.com
(510) 697-7212
<https://www.bondoversight.org/>

On Tue, Jul 12, 2022 at 8:29 AM Tiffany Wilhelm <TWilhelm@hudschools.org> wrote:

Dear Ms. Sheehan,

Upon reviewing your public records request, the District has determined that the information you have requested (where available) is accessible on our website. Please note hyperlink to District website for each request below where information can be found:

- [Citizens' Bond Oversight Committee \(CBOC\) Annual Report issued during 2021 required by Education Code Section 15280\(b\).](#)
- [Proposition 39 Financial Audit Report for the year ended June 30, 2021.](#)
- [Proposition 39 Performance Audit Report for the year ended June 30, 2021.](#)
- [CBOC agenda packets 2021.](#)
- [CBOC minutes 2021.](#)
- [Board Policy Citizens' Bond Oversight Committee.](#)
- [CBOC Bylaws approved by the CBOC.](#)
- CBOC Independent Legal Counsel Agreement – n/a
- [CBOC website address \(URL\).](#)

The CPRA only requires production of records which exist at the time of the request, and the District is not required to create records in order to respond to CPRA requests. (Gov. Code, §§ 6252 & 6253; *Sander v. State Bar of California* (2018) 26 Cal.App.5th 651; see also *Haynie v. Super. Ct.* (2001) 26 Cal.4th 1061.) Accordingly, to the extent this Request is seeking an existing document which includes all of the requested information, no such record exists. To the extent you are requesting the District to create such a document, this request is outside the scope of the CPRA.

This concludes the District's response to your CPRA request. Should you have any questions, please do not hesitate to contact me.

Tiffany Wilhelm
District Executive Assistant
& Special Projects Manager
Hamilton Unified School District
620 Canal Street, PO Box 488
Hamilton City, CA 95951

P: (530) 826-3261 Ext. 6011
F: (530) 826-0440
<https://www.husdschools.org/>

From: Tiffany Wilhelm
Sent: Monday, July 11, 2022 10:15 AM
To: Denise Sheehan <denise.caboc@gmail.com>
Cc: Kristen Hamman <KHamman@husdschools.org>
Subject: FW: Public Records Act Request

Dear Ms. Sheehan,

Thank you for your public records request. We are currently reviewing your request.

Tiffany Wilhelm
*District Executive Assistant
& Special Projects Manager*
Hamilton Unified School District
620 Canal Street, PO Box 488
Hamilton City, CA 95951
P: (530) 826-3261 Ext. 6011
F: (530) 826-0440
<https://www.husdschools.org/>

From: Denise Sheehan <denise.caboc@gmail.com>
Sent: Tuesday, July 5, 2022 1:52 PM
To: Kristen Hamman <KHamman@husdschools.org>
Subject: Public Records Act Request

July 5, 2022

Dear Kristen Hamman:

I am requesting access to records in possession or control of the Hamilton City Unified School District for the purposes of inspection pursuant to the California Public Records Act, California Government Code § 6250 et seq. ("CPRA"), and Article I, § 3(b) of the California Constitution. The specific records I seek to inspect are listed below. As used herein, "Record" includes "Public Records" and "Writings" as those terms are defined in Government Code § 6252(e) & (g). I request an electronic copy or, in the alternative, the website location (URL) of the documents listed below:

- Citizens' Bond Oversight Committee (CBOC) Annual Report issued during

2021 required by Education Code Section 15280(b).

- Proposition 39 Financial Audit Report for the year ended June 30, 2021.
- Proposition 39 Performance Audit Report for the year ended June 30, 2021.
- CBOC agenda packets 2021.
- CBOC minutes 2021.
- Board Policy Citizens' Bond Oversight Committee.
- CBOC Bylaws approved by the CBOC.
- CBOC Independent Legal Counsel Agreement.
- CBOC website address (URL).

Attached is an Excel worksheet that could be used to send these documents to me.

If you contend that any portion of the records requested is exempt from disclosure by express provisions of law, Government Code § 6253(a) requires segregation and redaction of that material in order that the remainder of the records may be released. If you contend that any express provision of law exists to exempt from disclosure all or a portion of the records I have requested, Government Code § 6253(c) requires that you notify me of the reasons for the determination not later than ten days from your receipt of this request. Government Code §§ 6253(d) & 6255(b) require that any response to this request that includes a determination that the request is denied, in whole or in part, must be in writing and include the name and title of the person(s) responsible for the City's response.

Government Code § 6253(d) prohibits the use of the 10-day period or any provisions of the CPRA or any other law "to delay access for purposes of inspecting public records."

In responding to this request, please keep in mind that Article 1, § 3(b)(2) of the California Constitution expressly requires you to broadly construe all provisions that further the public's right of access and apply any limitations on access as narrowly as possible.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 510-697-7212 or denise.caboc@gmail.com pursuant to Government Code § 6253.1.

Denise Sheehan, Administrative Manager

California Association of Bond Oversight Committees

denise.caboc@gmail.com

510-697-7212

<https://www.bondoversight.org/>

WARNING: This email is not from an HUSD employee! This email originated from someone outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Policy 7214: General Obligation Bonds

Status: ADOPTED

Original Adopted Date: 11/01/2012 | **Last Revised Date:** 05/01/2017 | **Last Reviewed Date:** 05/01/2017

The Governing Board recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued to pay for school facilities.

The Board's decision to order a bond election, as well as its determinations regarding the appropriate amount, timing, and structure of the bond issuance, shall be consistent with law and the district's debt management policy.

Before ordering a bond election, the Board shall obtain reasonable and informed projections of assessed valuations that take into consideration projections of assessed property valuations made by the county assessor. (Education Code 15100)

When any project to be funded by bonds will require state matching funds for any phase of the project, the ballot for the bond measure shall include a statement as specified in Education Code 15122.5, advising voters that, because the project is subject to approval of state matching funds, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

Bonds Requiring 55 Percent Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 55 percent majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agrees to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 percent majority of the voters. (Education Code 15266)

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the district are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district shall be used only for the following purposes: (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities
2. The acquisition or lease of real property for school facilities
3. The refunding of any outstanding debt issuance used for the purposes specified in items #1-2 above

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))

1. Certification that proceeds from the sale of the bonds will be used only for the purposes specified in items #1-2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses
2. A list of specific school facilities projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list
3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed
4. A requirement that the Board 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

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' oversight committee to inform the public concerning the expenditure of bond revenues as specified in Education Code 15278 and the accompanying administrative regulation. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

The Superintendent or designee shall ensure that the annual, independent performance and financial audits required pursuant to items #3-4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards and submitted to the citizens' oversight committee at the same time they are submitted to him/her and no later than March 31 of each year. (Education Code 15286)

The Board shall provide the citizens' oversight committee with responses to all findings, recommendations, and concerns addressed in the performance and financial audits within three months of receiving the audits. (Education Code 15280)

The Board may disband the citizens' oversight committee when the committee has completed its review of the final performance and financial audits.

Bonds Requiring 66.67 Percent Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 66.67 percent majority of the voters pursuant to Education Code 15100 and Article 13A, Section 1(b)(2) of the California Constitution. If a majority of the Board agrees to such an election, or upon a petition of the majority of the qualified electors residing in the district, the Board shall adopt a resolution ordering an election on the question of whether to incur bonded indebtedness if approved by a 66.67 percent majority of the voters. (Education Code 15100)

The bond election may be ordered to occur on any Tuesday, except a Tuesday that is a state holiday or the day before or after a state holiday, is within 45 days before or after a statewide election unless conducted at the same time as the statewide election, or is an established election date pursuant to Elections Code 1000 or 1500. (Education Code 15101)

Subject to limits specified in Article 13A, Section 1 of the California Constitution, bonds shall be sold to raise money for any of the following purposes: (Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs
4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity
5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
6. Permanently improving school grounds
7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans
8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
9. Purchasing school buses with a useful life of at least 20 years
10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by an order of the Board entered into the minutes. (Education Code 15100)

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

Certificate of Results

If the certificate of election results received by the Board shows that the appropriate majority of the voters is in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the County Board of Supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

Resolutions Regarding Sale of Bonds

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution directing the issuance and sale of bonds. In accordance with law, the resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable. (Education Code 15140; Government Code 53508.6)

In passing the resolution, the Board shall consider each available funding instrument, including, but not limited to, the costs associated with each and their relative suitability for the project to be financed.

Prior to the sale of bonds, the Board shall place an agenda item at a public meeting and adopt as part of the bond issuance resolution, or in a separate resolution, disclosures of the available funding instruments, the costs and sustainability of each, and all of the following information: (Education Code 15146; Government Code 53508.9)

1. Express approval of the method of sale (i.e., competitive, negotiated, or hybrid)
2. Statement of the reasons for the method of sale selected
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected
4. Estimates of the costs associated with the bond issuance, including, but not limited to, bond counsel and financial advisor fees, printing costs, rating agency fees, underwriting fees, and other miscellaneous costs and expenses of issuing the bonds

When the sale involves bonds that allow for the compounding of interest, such as a capital appreciation bond (CAB), the resolution to be adopted by the Board shall include items #1-4 above as well as the financing term and time of maturity, repayment ratio, and the estimated change in the assessed value of taxable property within the district over the term of the bonds. The resolution shall be publicly noticed on at least two consecutive meeting agendas, first as an information item and second as an action item. The agendas shall identify that bonds that allow for the compounding of interest are proposed. (Education Code 15146)

Prior to adopting a resolution for the sale of bonds that allow for the compounding of interest, the Board shall be presented with the following: (Education Code 15146)

1. An analysis containing the total overall cost of the bonds that allow for the compounding of interest
2. A comparison to the overall cost of current interest bonds
3. The reason bonds that allow for the compounding of interest are being recommended
4. A copy of the disclosure made by the underwriter in compliance with Rule G-17 adopted by the federal Municipal Securities Rulemaking Board

At least 30 days prior to the sale of any debt issue, the Superintendent or designee shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission (CDIAC). (Government Code 8855)

After the sale, the Board shall be presented with the actual issuance cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the CDAIC. (Education Code 15146; Government Code 53509.5)

Bond Anticipation Notes

Whenever the Board determines that it is in the best interest of the district, it may, by resolution, issue a bond anticipation note, on a negotiated or competitive-bid basis, to raise funds that shall be used only for a purpose authorized by a bond that has been approved by the voters of the district in accordance with law. (Education Code 15150)

Payment of principal and interest on any bond anticipation note shall be made at note maturity, not to exceed five years, from the proceeds derived from the sale of the bond in anticipation of which that note was originally issued or from any other source lawfully available for that purpose, including state grants. Interest payments may also be made from such sources. However, interest payments may be made periodically and prior to note maturity from an increased property tax if the following conditions are met: (Education Code 15150)

1. A resolution of the Board authorizes the property tax for that purpose.
2. The principal amount of the bond anticipation note does not exceed the remaining principal amount of the authorized but unissued bonds.

A bond anticipation note may be issued only if the tax rate levied to pay interest on the note would not cause the district to exceed the tax rate limitation set forth in Education Code 15268 or 15270, as applicable.

Deposit of Bond Proceeds

With regard to general obligation bonds, the district shall invest new money bond proceeds in the county treasury pool as required by law. (Education Code 15146)

Regulation 7214: General Obligation Bonds

Status: ADOPTED

Original Adopted Date: 03/01/2012 | Last Revised Date: 12/01/2013 | Last Reviewed Date: 12/01/2013

Election Notice

Whenever the Governing Board orders an election on the question of whether general obligation bonds shall be issued to pay for school facilities, the Superintendent or designee shall ensure that election notice and ballot requirements comply with Education Code 15120-15126 and 15272, as applicable.

Citizens' Oversight Committee

If a bond is approved under the 55 percent majority threshold pursuant to Proposition 39 (Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution), then the district's citizens' oversight committee shall consist of at least seven members, including, but not limited to: (Education Code 15282)

1. One member active in a business organization representing the business community located within the district
2. One member active in a senior citizens organization
3. One member active in a bona fide taxpayers' organization
4. One member who is a parent/guardian of a district student
5. One member who is a parent/guardian of a district student and is active in a parent-teacher organization, such as the Parent Teacher Association or school site council

Members of the citizens' oversight committee shall be subject to the conflict of interest prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1099. (Education Code 15282)

No employee, Board member, vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. (Education Code 15282)

Members of the citizens' oversight committee may serve for no more than three consecutive terms of two years each. They shall serve without compensation. (Education Code 15282)

The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section 1(b)(3) of the California Constitution including the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities
2. Ensuring that, as prohibited by Article 13A, Section 1(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance and financial audits required by Article 13A, Section 1(b)(3)(C) and (D) of the California Constitution
2. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article 13(A), Section 1(b)(3) of the California Constitution
3. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district
4. Reviewing efforts by the district to maximize bond revenues by implementing cost-saving measures, including,

but not limited to, the following:

- a. Mechanisms designed to reduce the costs of professional fees
- b. Mechanisms designed to reduce the costs of site preparation
- c. Recommendations regarding the joint use of core facilities
- d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design
- e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

The district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the committee's purpose and sufficient resources to publicize the committee's conclusions. (Education Code 15280)

All citizens' oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Board. Committee meetings shall be subject to the provisions of the Ralph M. Brown Act. (Education Code 15280; Government Code 54952)

The citizens' oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's web site. (Education Code 15280)

Reports

Within 30 days after the end of each fiscal year, the district shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness, or other indebtedness involved
 2. The percentage of registered electors who voted at the election
 3. The results of the election, with the percentage of votes cast for and against the proposition
-