



CHINO VALLEY
UNIFIED SCHOOL DISTRICT

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

BOARD OF EDUCATION

AGENDA

February 1, 2024

BOARD OF EDUCATION

Donald L. Bridge
Andrew Cruz
Jonathan Monroe
James Na
Sonja Shaw

Chloe Kubeldis, Student Representative

SUPERINTENDENT

Norm Enfield, Ed.D.

CHINO VALLEY UNIFIED SCHOOL DISTRICT
REGULAR MEETING OF THE BOARD OF EDUCATION
District Board Room – 5130 Riverside Drive, Chino, CA 91710
4:45 p.m. – Closed Session • 6:00 p.m. – Regular Meeting
February 1, 2024

AGENDA

- The public are invited to address the Board of Education regarding items listed on the agenda. Comments on an agenda item are accepted during consideration of that item, or prior to consideration of the item in the case of a closed session item. Persons wishing to address the Board are requested to complete and submit to the Administrative Secretary, Board of Education, a "Request to Speak" form available at the entrance to the Board room.
- In compliance with the Americans with Disabilities Act, please contact the Administrative Secretary, Board of Education, if you require modification or accommodation due to a disability.
- Agenda documents distributed to members of the Board of Education less than 72 hours prior to the meeting are available for inspection at the Chino Valley Unified School District Administration Center, 5130 Riverside Drive, Chino, California, during the regular business hours of 7:30 a.m. to 4:30 p.m., Monday through Friday.
- Order of business is approximate and subject to change.

The meeting is live streamed on the District's YouTube channel at https://www.youtube.com/channel/UCWKinB4PTb_uskobmwBF8pw.

I. OPENING BUSINESS

I.A. CALL TO ORDER – 4:45 P.M.

1. Roll Call
2. Public Comment on Closed Session Items
3. Closed Session

Discussion and possible action (times are approximate):

- a. Conference With Legal Counsel, Existing Litigation (Government Code 54956.9(d)(4)): San Bernardino Superior Case No. SB 2300095. (Tao Rossini, APC) (5 minutes)
- b. Conference With Legal Counsel-Existing Litigation (Paragraph (1) of subdivision (d) Government Code 54956.9): San Bernardino County Superior Court Case No. CIVSB2317301. (Liberty Justice Center) (Atkinson, Andelson, Loya, Ruud, and Romo) (5 minutes)
- c. Student Admission Matters (Education Code 35146, 48916 (c)): Admission Cases 23/24-02A & 23/24-03A. (5 minutes)
- d. Student Discipline Matter (Education Code 35146, 48918 (c) & (j)): Expulsion Case 23/24-48. (5 minutes)
- e. Conference with Labor Negotiators (Government Code 54957.6): A.C.T. and CSEA Negotiations. Agency Designated Representatives: Lea Fellows, Sandra Chen, Joseph Durkin, and Jaime Ortega. (10 minutes)
- f. Public Employee Appointment (Government Code 54957): Elementary School Principal and Assistant Principal. (10 minutes)
- g. Public Employee Discipline Dismissal Release (Government Code 54957): (5 minutes)
- h. Public Employee Performance Evaluation (Government Code 54957): Superintendent. (30 minutes)

I.B. RECONVENE TO REGULAR OPEN MEETING – 6:00 P.M.

1. Report Closed Session Action
2. Pledge of Allegiance

Proceedings of this meeting are recorded.

I.C. RECOGNITIONS

1. Ayala HS: Entrepreneur Team
2. Security Officer Don Davis and Bus Driver Yicela Davila

I.D. COMMENTS FROM STUDENT REPRESENTATIVE**I.E. COMMENTS FROM EMPLOYEE REPRESENTATIVES****I.F. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA****I.G. CHANGES AND DELETIONS****II. ACTION****II.A. ADMINISTRATION****II.A.1. Revision of Board Bylaw 9124—Legal Services**

Page 7

Recommend the Board of Education approve the revision of Board Bylaw 9124—Legal Services.

Motion ____ Second ____

Preferential Vote: ____

Vote: Yes ____ No ____

II.B. CURRICULUM, INSTRUCCION, INNOVATION, AND SUPPORT**II.B.1. Schoolwide Title I Program for Rhodes ES for the 2023/2024 School Year**

Page 11

Recommend the Board of Education adopt the Schoolwide Title I Program for Rhodes ES for the 2023/2024 school year.

Motion ____ Second ____

Preferential Vote: ____

Vote: Yes ____ No ____

III. CONSENT

Motion ____ Second ____

Preferential Vote: ____

Vote: Yes ____ No ____

III.A. ADMINISTRATION**III.A.1. Minutes of the January 18, 2024 Regular Meeting**

Page 13

Recommend the Board of Education approve the minutes of the January 18, 2024 regular meeting.

III.A.2. Revision of Board Bylaw 9321 and Exhibit 1 & 2—Closed Session

Page 21

Recommend the Board of Education approve the revision of Board Bylaw 9321 and Exhibit 1 & 2—Closed Session.

III.B. BUSINESS SERVICES

III.B.1. Warrant Register

Page 49 Recommend the Board of Education approve/ratify the warrant register, provided under separate cover.

III.B.2. 2023/2024 Applications to Operate Fundraising Activities and Other Activities for the Benefit of Students

Page 50 Recommend the Board of Education approve/ratify the 2023/2024 applications to operate fundraising activities and other activities for the benefit of students.

III.B.3. Fundraising Activities

Page 52 Recommend the Board of Education approve/ratify the fundraising activities.

III.B.4. Donations

Page 55 Recommend the Board of Education accept the donations.

III.B.5. Legal Services

Page 57 Recommend the Board of Education approve payment for legal services to the law offices of Atkinson, Andelson, Loya, Ruud & Romo; Margaret A. Chidester & Associates; and Tao Rossini, APC.

III.C. CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT

III.C.1. Student Admission Cases 23/24-02A and 23/24-03A

Page 58 Recommend the Board of Education approve student admissions 23/24-02A and 23/24-03A.

III.C.2. Student Expulsion Case 23/24-48

Page 59 Recommend the Board of Education approve student expulsion case 23/24-48.

III.C.3. School Sponsored Trips

Page 60 Recommend the Board of Education approve/ratify the school-sponsored trips for Walnut ES; Magnolia JHS; Ayala HS; Chino Hills HS; and Don Lugo HS.

III.D. FACILITIES, PLANNING, AND OPERATIONS

III.D.1. Purchase Order Register

Page 62 Recommend the Board of Education approve/ratify the purchase order register, provided under separate cover.

III.D.2. Agreements for Contractor/Consultant Services

Page 63 Recommend the Board of Education approve/ratify the Agreements for Contractor/Consultant Services.

III.D.3. Surplus/Obsolete Property

Page 66 Recommend the Board of Education declare the District property surplus/obsolete and authorize staff to sell/dispose of said property.

III.D.4. Change Orders and Notices of Completion for CUPCCAA Projects

Page 71 Recommend the Board of Education approve the Change Orders and Notices of Completion for CUPCCAA Projects.

III.D.5. Resolutions 2023/2024-34, 2023/2024-35, and 2023/2024-36, Authorization to Utilize Piggyback Contracts

Page 73 Recommend the Board of Education adopt Resolutions 2023/2024-34, 2023/2024-35, and 2023/2024-36, Authorization to Utilize Piggyback Contracts.

III.D.6. Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS-Alterations Phase 4 Bldgs. A, G, J, BP 09-03

Page 81 Recommend the Board of Education approve the Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS-Alterations Phase 4 Bldgs. A, G, J, BP 09-03.

III.D.7. Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS-Alterations Phase 4 Bldgs. A, G, J, BP 09-05

Page 85 Recommend the Board of Education approve the Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS-Alterations Phase 4 Bldgs. A, G, J, BP 09-05.

III.E. HUMAN RESOURCES

III.E.1. Certificated/Classified Personnel Items

Page 89 Recommend the Board of Education approve/ratify the certificated/classified personnel items.

III.E.2. Rejection of Claim

Page 93 Recommend the Board of Education reject the claim and refer it to the District's insurance adjuster.

IV. INFORMATION

IV.A. FACILITIES, PLANNING, AND OPERATIONS

IV.A.1. Resolution 2023/2024-33 of the Board of Education of the Chino Valley Unified School District of the County of San Bernardino, California, Authorizing the Issuance and Sale of its General Obligation Bonds, Election of 2016, Series 2024D, in an Aggregate Principal Amount Not

to Exceed \$143,500,133.25, and Approving Certain Other Matters Relating to Said Bonds

Recommend the Board of Education receive for information Resolution 2023/2024-33 of the Board of Education of the Chino Valley Unified School District of the County of San Bernardino, California, Authorizing the Issuance and Sale of its General Obligation Bonds, Election of 2016, Series 2024D, in an Aggregate Principal Amount Not to Exceed \$143,500, 133.25, and Approving Certain Other Matters Relating to Said Bonds.

V. COMMUNICATIONS

BOARD MEMBERS AND SUPERINTENDENT

VI. ADJOURNMENT

Prepared by: Patricia Kaylor, Administrative Secretary, Board of Education
Date posted: January 26, 2024

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024
TO: Members, Board of Education
FROM: Norm Enfield, Ed.D., Superintendent
SUBJECT: **REVISION OF BOARD BYLAW 9124—LEGAL SERVICES**

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BACKGROUND

Board policies, administrative regulations, and Bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Bylaw 9124—Legal Services is being updated to correspond with CSBA recommended language. This item was presented to the Board of Education on January 18, 2024, as information.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the revision of Board Bylaw 9124—Legal Services.

FISCAL IMPACT

None.

NE:pk

LEGAL SERVICES

The Board of Education recognizes the complex legal environment in which school districts operate, THE NEED TO PROVIDE LEGAL REPRESENTATION FOR THE DISTRICT, AND THE IMPORTANCE OF RELIABLE, COST-EFFECTIVE, HIGH-QUALITY LEGAL ADVICE AND SERVICES ~~and desires reliable, high-quality legal advice at reasonable rates.~~ In order to meet the District's legal needs, the Board may ~~contract~~ APPOINT LEGAL COUNSEL AND FIX AND ORDER PAID LEGAL COUNSEL'S COMPENSATION AS AN EMPLOYEE OR AS AN INDEPENDENT CONTRACTOR. (Education Code 35041.5) ~~with county counsel, attorneys in private practice, or appoint legal counsel as a District employee or independent contractor.~~

THE BOARD MAY ENTER INTO INDEPENDENT CONTRACTOR SERVICES AGREEMENTS WITH COUNTY COUNSEL, LAW FIRMS, ATTORNEYS IN PRIVATE PRACTICE, AND OTHER PUBLIC OR PRIVATE LEGAL SERVICES ENTITIES. (Education Code 35204, 35205; Government Code 26520, 26529)

The Board also supports PURSUING collaborative legal efforts with other ~~agencies~~ DISTRICTS AS WELL AS OTHER GOVERNMENT AGENCIES AS APPROPRIATE ~~and districts in order to promote the District's interests.~~

(cf. 3320 - Claims and Actions Against the District)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 4312.1 - Contracts)
(cf. 9000 - Role of the Board)
(cf. 9260 - Legal Protection)

DUTIES OF LEGAL COUNSEL

The District's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent or designee;
2. Serve the Board and Superintendent or designee in the preparation and conducting of District litigation and administrative proceedings;
3. Render advice on school bond and tax increase measures and preparingE the necessary forms for the voting of these measures;
4. Perform other legal duties as assigned by the Board AND ~~majority through the Superintendent, or the Superintendent individually, or the Superintendent's designee.~~

LEGAL SERVICES (cont.)

(cf. 9000 – Role of Board and members)
 (cf. 9200 – Members Limits of Authority)
 (cf. 9321 – Closed Sessions)

Retaining Legal Counsel

When the District is seeking legal advice or representation, the Superintendent or designee shall ~~initiate a Request for Proposals (RFP) to advertise and solicit proposals for legal services~~ IDENTIFY PROSPECTIVE ATTORNEY(S), FIRM(S), AND/OR LEGAL SERVICES ENTITY(IES). THE DISTRICT MAY, BUT IS NOT REQUIRED TO, INITIATE A REQUEST FOR PROPOSALS TO ADVERTISE AND SOLICIT PROPOSALS FOR LEGAL SERVICES. In evaluating the ~~proposals~~ PROSPECTIVE ATTORNEY(S), FIRM(S), AND/OR ENTITY(IES), the Board and Superintendent ~~shall~~ MAY consider the ~~firm's or attorney's~~ ATTORNEY'S, FIRM'S, AND/OR ENTITY'S background, experience, and RELEVANT LEGAL reputation ~~in education law~~; experience advising or representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

ANY ATTORNEY REPRESENTING THE DISTRICT SHALL BE ADMITTED TO PRACTICE LAW IN CALIFORNIA. (Education Code 35041.5)

The Board and Superintendent shall ~~annually~~ PERIODICALLY evaluate the performance of the firm(S) and/or attorney(s); ~~providing legal services in such areas as~~ THE efficiency and adequacy of advice; THE results obtained for the District; THE reasonableness of fees; and responsiveness to and interactions with the Board, administration, and community. THE BOARD MAY USE SUCH EVALUATION(S) TO DETERMINE WHETHER TO ~~Upon a successful evaluation, the Board may renew the~~ ANY CURRENT agreement(S) ~~with legal counsel without initiating an RFP~~ FOR LEGAL SERVICES.

The Board may also contract for ~~temporary~~, specialized legal services, AS APPROPRIATE, ~~without initiating an RFP~~ when a majority of the Board determines that the unique demands of a particular issue or emergency situation ~~so~~ requires SUCH REPRESENTATION.

(cf. 2121 - Superintendent's Contract)

Contacting Legal Counsel

At his/her discretion, the Board President or the Superintendent may confer with District legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent or Board President may contact District legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

LEGAL SERVICES (cont.)

Individual Board members other than the Board President may not seek advice from District legal counsel on matters of District business unless so authorized by a majority of the Board.

(cf. 9200 - Limits of Board Member Authority)
(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

35041 Administrative Adviser

35041.5 Legal Counsel

35161 Powers and Duties of Governing Board

35200-35214 Liabilities, especially:

35204 Contract with Attorney in Private Practice

35205 Contract for Legal Services

GOVERNMENT CODE

814-895.8 Liability of Public Entities and Public Employees

995-996.6 Defense of Public Employees

26520 Legal Services to School Districts

53060 Special Services and Advice

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Maximizing School Board Leadership: Boardsmanship, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Selecting and Working with a School Attorney: A Guide for School Boards, 1997

WEB SITES

California School Boards Association: www.csba.org

California Council of School Attorneys:

www.csba.org/LegislationAndLegal/Legal/CaliforniaCouncilOfSchoolAttorneys.aspx

National School Boards Association: www.nsba.org

State Bar of California: www.calbar.ca.gov

Chino Valley Unified School District

Bylaw adopted: August 17, 1995

Revised: May 17, 2007

Revised: October 21, 2010

Revised: May 18, 2023

REVISED:

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Hilda Flores, Ed.D., Assistant Superintendent, Curriculum,
Instruction, Innovation, and Support
Todd Finkbiner, Director, Access and Equity

**SUBJECT: SCHOOLWIDE TITLE I PROGRAM FOR RHODES ES FOR THE
2023/2024 SCHOOL YEAR**

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BACKGROUND

A schoolwide Title I program is a comprehensive reform strategy designed to upgrade the entire educational program in a Title I school; its primary goal is to ensure that all students, particularly those who are low-achieving, demonstrate proficient and advanced levels of achievement on State Common Core standards.

In general, a Title I school may operate as a schoolwide program only if a minimum of 40 percent of the students in the school, or residing in the attendance area served by the school, are from low-income families (Section 1114(a)(1) of Title I of the Elementary and Secondary Education Act).

Whereas Title I targeted assistance programs only provide educational services to identified individual students, schoolwide programs allow staff in schools with high concentrations of students from low-income families to redesign their entire educational program to serve all students. The emphasis in a schoolwide program school is on combining all resources, as allowed, to achieve common goals. Schoolwide Title I programs maximize the impact of Title I funding on the educational program. Adopting this strategy should result in an ongoing, comprehensive plan for school improvement that is owned by the entire school community and tailored to its unique needs.

The California Department of Education requires every Title I public school adopting a schoolwide Title I program to conduct a comprehensive needs assessment to revise the Single Plan for Student Achievement (SPSA) to develop a comprehensive schoolwide plan that describes how it will achieve the goals it has identified as a result of the needs assessment.

The School Site Council and the Board of Education must approve both the school's request to adopt a schoolwide Title I program.

Approval of this item supports the goals identified with the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education adopt the Schoolwide Title I Program for Rhodes ES for the 2023/2024 school year.

FISCAL IMPACT

None.

NE:HF:TF:gks

CHINO VALLEY UNIFIED SCHOOL DISTRICT
REGULAR MEETING OF THE BOARD OF EDUCATION
District Board Room – 5130 Riverside Drive, Chino, CA 91710
4:30 p.m. – Closed Session • 6:00 p.m. – Regular Meeting
January 18, 2024

MINUTES

I. OPENING BUSINESS

I.A. CALL TO ORDER – 4:30 P.M.

1. Roll Call

President Shaw called to order the regular meeting of the Board of Education, Thursday, January 18, 2024, at 4:30 p.m. with Bridge, Cruz, Monroe, Na, and Shaw present.

Administrative Personnel

Norm Enfield, Ed.D., Superintendent

Sandra H. Chen, Associate Superintendent, Business Services

Grace Park, Ed.D., Associate Superintendent, CIIS

Lea Fellows, Assistant Superintendent, CIIS

Hilda Flores, Ed.D. Assistant Superintendent, Human Resources

Gregory J. Stachura, Assistant Supt., Facilities, Planning, and Operations

2. Public Comment on Closed Session Items

None.

3. Closed Session

President Shaw adjourned to closed session at 4:30 p.m. regarding conference with legal counsel existing litigation: two cases: student readmissions; student discipline matters; conference with labor negotiators: A.C.T. and CSEA; public employee discipline/dismissal/release; and public employee performance evaluation: Superintendent.

I.B. RECONVENE TO REGULAR OPEN MEETING – 6:00 P.M.

1. Report Closed Session Action

President Shaw reconvened the organizational meeting of the Board of Education at 6:00 p.m. with Bridge, Cruz, Monroe, Na, and Shaw present. The Board met in closed session from 4:30 p.m. to 5:44 p.m. regarding conference with legal counsel existing litigation: two cases: student readmissions; student discipline matters; conference with labor

negotiators: A.C.T. and CSEA; public employee discipline/dismissal/release; and public employee performance evaluation: Superintendent. By a unanimous vote of 5-0, with Bridge, Cruz, Monroe, Na, and Shaw voting yes, accepted the resignation agreement and release between the District and classified employee number 8645, and pursuant to the agreement terms, the employee will voluntarily resign effective February 29, 2024. No further action was taken that required public disclosure.

2. Pledge of Allegiance

Led by Diana Yarboi, Ayala HS principal.

I.C. RECOGNITIONS

1. Rhodes ES: Kayla Kremann, U.S. Robotic Team

President Shaw presented a certificate of recognition to Kayla Kremann for her achievements on the U.S. Robotic Team.

2. Ayala HS, High School Road Show: 2023 Golden Bell Award Recipients

President Shaw presented Ayala HS's counseling department with a certificate of recognition for their work enhancing student achievement.

I.D. STAFF REPORT

1. LCAP Mid-Year Update: Areas of Emphasis

The report was presented by Curriculum, Instruction, Innovation, and Support staff, and included: CVUSD essential standards (mathematics and English language arts); Student engagement through collaborative communication; and professional learning communities.

I.E. COMMENTS FROM STUDENT REPRESENTATIVE

Chloe Kubeldis congratulated Kayla Kremann and the Ayala HS counseling team for their respective achievements; said winter sports are in full swing at all high schools; said Don Lugo HS and Ayala HS had recognition rallies this week; said Chino HS and Chino Hills HS recognition rallies are coming up; said Woodcrest JHS is scheduled to host the annual science fair awards at 6:30 p.m. on January 24; and announced when the city of Chino Hills Teen Advisory Board meets.

I.F. COMMENTS FROM EMPLOYEE REPRESENTATIVES

Brenda Walker, A.C.T. President said it's encouraging to see the Board proclamation for School Counseling Week and resolution recognizing Career and Technical Education Month in February; recognized the efforts of the

A.C.T. bargaining team; and said she is confident that the bargaining team will help us to reach tentative agreement goals.

Danny Hernandez, CSEA President, made no comments.

Molly Large, CHAMP, welcomed everyone to 2024; said January 2024 has been busy and that the Great Kindness Challenge starts next week; said teachers and staff will help students to understand place value on the 100th day of school and help students express kindness; reminded families/community about the K-12 Quality Survey and encouraged feedback; said LCAP community meetings are taking place throughout the District; and closed by extending appreciation to counselors and CTE educators.

I.G. COMMENTS FROM THE AUDIENCE ON ITEMS NOT ON THE AGENDA

The following individuals addressed the Board: Kristi Hirst regarding the District direction; Jessica S. regarding school fights and Sonja Shaw; Glory Ciccarelli regarding Black History Month; Amanda Swager, Scott Carter, and Sarah Palmer regarding teacher pay; Sara Omari regarding CSBA Board member recognition; Lisa G., and Eric Shamp regarding governance; and Kaleen Fitzsimmos, River Hohn, and Bill Dances regarding sexual harassment of a student by a teacher.

I.H. CHANGES AND DELETIONS

The following change was read into the record: Item III.C.1., deleted the word expulsion and corrected to read admission. There were no further changes or deletions.

II. ACTION

II.A. HUMAN RESOURCES

II.A.1. Public Notice and Hearing Regarding the District's Initial Bargaining Proposal to the Associated Chino Teachers for a Reopener to the Collective Bargaining Agreement Effective July 1, 2024

President Shaw opened the public hearing regarding the District's initial bargaining proposal to the Associated Chino Teachers for a reopener of the Collective Bargaining Agreement effective July 1, 2024, at 7:13 p.m. Jim Gallagher addressed the Board, and the hearing was closed at 7:16 p.m.

III. CONSENT

Sara Omari addressed the Board on Item III.A.1. Moved (Na) seconded (Shaw) carried unanimously (5-0) to approve the consent items, as amended. Student representative voted yes.

III.A. ADMINISTRATION**III.A.1. Minutes of the December 14, 2023 Organizational Meeting**

Approved the minutes of the December 14, 2023 organizational meeting.

III.B. BUSINESS SERVICES**III.B.1. Warrant Register**

Approved/ratified the warrant register.

III.B.2. Fundraising Activities

Approved/ratified the fundraising activities.

III.B.3. Donations

Accepted the donations.

III.B.4. Legal Services

Approved payment for legal services to the law offices of Atkinson, Andelson, Loya, Ruud & Romo; Margaret A. Chidester & Associates; and Tao Rossini, APC.

III.C. CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT**III.C.1. Student Readmission Cases 22/23-10, 22/23-43, 22/23-47, 22/23-61, 22/23-62, 22/23-63, 22/23-78, and 22/23-81**

Approved student readmission cases 22/23-10, 22/23-43, 22/23-47, 22/23-61, 22/23-62, 22/23-63, 22/23-78, and 22/23-81.

III.C.2. Student Expulsion Cases 23/24-37, 23/24-44, 23/24-45, and 23/24-47

Approved student expulsion cases 23/24-37, 23/24-44, 23/24-45, and 23/24-47.

III.C.3. School Sponsored Trips

Approved/ratified the school-sponsored trips for Ayala HS; Chino Hills HS; and Don Lugo HS.

III.C.4. Chino Valley Unified School District 2023/2024 School Accountability Report Cards

Approved the Chino Valley Unified School District 2023/2024 School Accountability Report Cards.

III.C.5. Proclamation for National School Counseling Week, February 5-9, 2024

Adopted the proclamation for National School Counseling Week, February 5-9, 2024.

III.C.6. Resolution 2023/2024-32, Recognizing February as Career and Technical Education Month

Adopted Resolution 2023/2024-32, Recognizing February as Career and Technical Education Month.

III.D. FACILITIES, PLANNING, AND OPERATIONS

III.D.1. Purchase Order Register

Approved/ratified the purchase order register.

III.D.2. Agreements for Contractor/Consultant Services

Approved/ratified the Agreements for Contractor/Consultant Services.

III.D.3. Surplus/Obsolete Property

Declared the District property surplus/obsolete and authorized staff to sell/dispose of said property.

III.D.4. Change Orders and Notices of Completion for CUPCCAA Projects

Approved the Change Orders and Notices of Completion for CUPCCAA Projects.

III.D.5. Resolutions 2023/2024-30 and 2023/2024-31, Authorization to Utilize Piggyback Contracts

Adopted Resolutions 2023/2024-30 and 2023/2024-31, Authorization to Utilize Piggyback Contracts.

III.D.6. Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS—Alterations Phase 4 Bldgs. A, G, J, BP 06-01

Approved the Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS—Alterations Phase 4 Bldgs. A, G, J, BP 06-01.

III.D.7. Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS—Alterations Phase 4 Bldgs. A, G, J, BP 23-01

Approved the Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS—Alterations Phase 4 Bldgs. A, G, J, BP 23-01.

III.D.8. Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS—Alterations Phase 4 Bldgs. A, G, J, BP 26-01

Approved the Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS—Alterations Phase 4 Bldgs. A, G, J, BP 26-01.

III.D.9. Change Order for Bid No. 22-23-08F, Preserve II School—New Construction (BP 05-01)

Approved the Change Order for Bid No. 22-23-08F, Preserve II School—New Construction (BP 05-01).

III.D.10. Change Order for Bid No. 22-23-08F, Preserve II School—New Construction (BP 06-01)

Approved the Change Order for Bid No. 22-23-08F, Preserve II School—New Construction (BP 06-01).

III.D.11. Change Order for Bid No. 22-23-08F, Preserve II School—New Construction (BP 10-01)

Approved the Change Order for Bid No. 22-23-08F, Preserve II School—New Construction (BP 10-01).

III.D.12. Change Order for Bid No. 22-23-08F, Preserve II School—New Construction (BP 22-01)

Approved the Change Order for Bid No 22-23-08F, Preserve II School—New Construction (BP 22-01).

III.D.13. Change Order for Bid No. 22-23-08F, Preserve II School—New Construction (BP 26-01)

Approved the Change Order for Bid No 22-23-08F, Preserve II School—New Construction (BP 26-01).

III.D.14. Change Order for Bid No. 22-23-08F, Preserve II School—New Construction (BP 33-01)

Approved the Change Order for Bid No 22-23-08F, Preserve II School—New Construction (BP 33-01).

III.D.15. Change Order and Notice of Completion for Bid No. 22-23-13F, Chino Valley Adult School Construction Technology Building

Approved the Change Order and Notice of Completion for Bid No. 22-23-13F, Chino Valley Adult School Construction Technology Building.

III.E. HUMAN RESOURCES

III.E.1. Certificated/Classified Personnel Items

Approved/ratified the certificated/classified personnel items.

III.E.2. Student Placement Agreement with Arizona State University

Approved the Student Placement Agreement with Arizona State University.

IV. INFORMATION

Jim Gallagher and Bobby Omari addressed the Board regarding Item IV.A.1.

IV.A. ADMINISTRATION**IV.A.1. Revision of Board Bylaw 9124—Legal Services**

Received for information the revision of Board Bylaw 9124—Legal Services.

IV.A.2. Revision of Board Bylaw 9321 and Exhibit 1 & 2—Closed Session

Received for information the revision of Board Bylaw 9321 and Exhibit 1 & 2—Closed Session.

IV.B. CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT**IV.B.1. Williams Settlement Legislation Quarterly Uniform Complaint Report Summary for October Through December 2023**

Received for information the Williams Settlement Legislation Quarterly Uniform Complaint Report Summary for October through December 2023.

V. COMMUNICATIONS**BOARD MEMBERS AND SUPERINTENDENT**

Don Bridge welcomed everyone to 2024; congratulated Kayla for outstanding work; congratulated Ayala HS school counseling staff for receiving a Golden Bell Award; spoke about the upcoming District science fair and wished good luck to participants; encouraged both sides to schedule a negotiating date and return to the bargaining table; and announced the birth of his grandchild.

James Na spoke about his concerns for the student speaker/family who expressed concerns about issues the students experienced at school; spoke about a recent site walk at Buena Vista HS and the blocking of the sidewalk near a fence; spoke about a student District student who has been accepted to Stanford University; and spoke about starting teacher salary.

Jonathan Monroe congratulated those who were recognized by the Board for their achievements; visited Chino Hills HS the week back to school to attend the Breaking Barriers United presentation; addressed comments made by Chief Benson regarding the increase in arrests in our schools; explained that campus arrests are up because the District has better directed campus services to prevent certain activity from occurring

including increasing SROs; spoke about criticism he has received regarding his governance; said he is looking forward to the District Science Fair and art exhibit; and announced the Russ Miller 5K run scheduled for the first week of February.

Andrew Cruz said he has enjoyed participating in the Russ Miller 5K in the past; spoke about the upcoming Festival of the Arts; said his daughter was accepted to Cal State San Bernardino; said he is the first generation to go to college in his family; said he agrees with Mr. Bridge about the need to negotiate in good faith; said he was able to visit some District schools this past week; spoke about one particular teacher's compassion and deep care for students; and implored the public to pay attention and do research.

Superintendent Enfield said that on Monday, January 22 the K-12 Quality Survey opens until February 23; and that on Tuesday, January 23 there is a parent information forum at 6:30 p.m. at Don Lugo HS presented by the Chino Police Department.

President Shaw asked Dr. Enfield if another negotiation time with A.C.T. has been scheduled and Dr. Enfield indicated that the District would be making contact in that regard; encouraged the Chino Hills HS student to stay strong and that she would support her as much as she can; said she was able to attend some PLCs; said she enjoys seeing student engagement happening; spoke about the respect all Board members have for the job they do; said that on January 5 she visited Cattle ES and Chino Hills HS; praised former SRO Officer Tillman for his outreach to students; spoke about serving on the ROP commission and the programs that are available to students; said she visited Eagle Canyon ES recently; and spoke about things that some speakers say that are untrue and pose a danger to her children's safety by associating her with hate groups; denounced the accusations made against her by a local political group; spoke about the Board's action regarding a security formula to enhance security at each campus, imbalances, student discipline, and answers to address those concerns.

VI. ADJOURNMENT

President Shaw adjourned the organizational meeting of the Board of Education at 8:12 p.m.

Sonja Shaw, President

Andrew Cruz, Clerk

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

**SUBJECT: REVISION OF BOARD BYLAW 9321 AND EXHIBIT 1 & 2—
CLOSED SESSION**

=====

BACKGROUND

Board policies, administrative regulations, and Bylaws of the Board are routinely developed and revised as a result of changes in law, mandates, federal regulations, and current practice. Board Bylaw 9321—Closed Session is being updated to reflect appellate court ruling in Fowler v. City of Lafayette, which clarified that when an item is agendaized in closed session based on a threat of litigation made by a person outside of an open meeting and a district official or employee receiving knowledge of the threat made a record of the statement before the meeting, that statement is required to be made available to the public. Bylaw also updated to reference accompanying Exhibit (1) for specific agenda descriptions for closed session items and accompanying Exhibit (2) for descriptions to report out of specified closed session items. Exhibits 1 and 2 related to Board Bylaw 9321—Closed Session are updated for clarity and precision, and for consistency with changes to the accompanying Board Bylaw. This item was presented to the Board of Education on January 18, 2024, as information.

New language is provided in UPPER CASE while old language to be deleted is ~~lined through~~.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the revision of Board Bylaw 9321 and Exhibit 1 & 2—Closed Session.

FISCAL IMPACT

None.

NE:pk

CLOSED SESSION

The Board of Education is committed to complying with state open meeting laws and modeling transparency in its conduct of District business. The Board shall hold closed sessions during a regular, special, or emergency meeting only for purposes authorized by law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting as required by law and ~~specified below~~ PROVIDED IN THE ACCOMPANYNG EXHIBIT (1). (Government Code 54954.2, 54954.5, 54957)

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

In open session preceding the closed session, the Board shall disclose the items to be discussed in closed session AS SPECIFIED IN THIS BYLAW. THE BOARD MY EITHER STATE THE INFORMATION ON THE AGENDA OR REFER THE PUBLIC TO THE ITEM(S) AS LISTED BY NUMBER OR LETTER ON THE AENDA. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall publicly disclose any action taken in the closed session, the votes, or abstentions thereon, and other disclosures ~~specified below that are applicable to the matter being addressed~~ IN THIS BYLAW. Such reports may be made in writing or orally at the location announced in the agenda for the closed session AS REQUIRED BY LAW AND PROVIDED IN THE ACCOMPANYING EXHIBIT (2). (Education Code 32281; Government Code 54957.7, 54957.7)

When an action taken during a closed session involves final approval or adoption of a document such as a contract or settlement agreement, THAT BECOMES PUBLIC UPON SUCH APPROVAL OR ADOPTION, the Superintendent or designee shall provide a copy of the document to any person present at the conclusion of the closed session who submitted a written request. If the action taken results in one or more substantive amendments, the Superintendent or designee shall make the document available the next business day or when the necessary ~~retyping is~~ CHANGES TO THE DOCUMENT ARE completed. Whenever copies of an approved agreement will not be immediately released due to an amendment, the Board president shall orally summarize the substance of the amendment for those present at the end of the closed session. (Government Code 54957.1)

Confidentiality

A Board member shall not disclose confidential information received in closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be

CLOSED SESSION (cont.)

identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

Personnel Matters: APPOINTMENT, EMPLOYMENT, PERFORMANCE EVALUATION, OR DISCIPLINE/DISMISSAL/RELEASE

The Board may hold a closed session under the “personnel exception” to consider the appointment, employment, PERFORMANCE evaluation ~~of performance~~, discipline, or dismissal, OR CHANGE IN EMPLOYMENT STATUS of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957, 54957.1)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Demotion or Dismissal)

(cf. 4215 - Evaluation/Supervision)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4315 - Evaluation/Supervision)

PERSONNEL MATTERS: SPECIFIC COMPLAINTS OR CHARGES

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee who is the subject of the complaint requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the SUPERINTENDENT OR DESIGNEE SHALL ENSURE THAT THE employee ~~shall~~ receiveS written notice of the right to have the complaints or charges heard in open session ~~if desired~~. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

PERSONNEL MATTERS: APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN

The Board may hold a closed session to discuss a District employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

CLOSED SESSION (cont.)

~~Agenda items related to District employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal or release require no additional information. (Government Code 54954.5)~~

~~After the closed session, the Board shall report any action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a District employee and shall identify the title of the affected position. The report shall be given at the public meeting during which the closed session is held, except that the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)~~

Negotiations/Collective Bargaining

~~Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)~~

- ~~1. Any meeting and negotiating discussion between the District and a recognized or certified employee organization~~
- ~~2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process~~
- ~~3. Any hearing, meeting or investigation conducted by a factfinder or arbitrator~~
- ~~4. Any executive (closed) session of the District or between the District and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives~~

~~(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)~~

~~The Board may meet in closed session, prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees, to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation. Prior to the closed session, the Board shall identify its designated representatives in open session. Any closed session held for this purpose may include discussions of the REGARDING SALARIES, SALARY SCHEDULES, OR COMPENSATION PAID IN THE FORM OF FRINGE BENEFITS MAY~~

CLOSED SESSION (cont.)

INCLUDE DISCUSSIONS OF THE District's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. Final action on the proposed compensation of one or more unrepresented employees shall not be taken in closed session. (Government Code 54957.6)

(cf. 2121 – Superintendent's Contract)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

~~Agenda items related to negotiations shall specify the name of the District's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session.~~

~~The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)~~

PURSUANT TO GOVERNMENT CODE 54957.1, Approval IN CLOSED SESSION of an agreement regarding labor negotiations with represented employees pursuant to government code 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. HOWEVER, THE BOARD MAY AT ITS SOLE DISCRETION, VOTE ON SUCH AN AGREEMENT IN OPEN SESSION. ~~This report shall identify the item approved and the other party or parties to the negotiation.~~ (Government Code 54957.1)

PURSUANT TO GOVERNMENT CODE 3549.1, THE BOARD MAY, WITHOUT FOLLOWING THE REQUIREMENTS OF THE BROWN ACT, MEET IN CLOSED SESSION EXCLUSIVELY FOR THE PURPOSE OF DISCUSSING ITS POSITION REGARDING ANY MATTER WITHIN THE SCOPE OF REPRESENTATION OR FOR THE PURPOSE OF INSTRUCTING ITS DESIGNATED REPRESENTATIVES. THE BOARD SHALL NOT DISCUSS ANY OTHER ITEM AT ANY SUCH CLOSED SESSION. (GOVERNMENT CODE 3549.1)

Matters Related to Students

If a public hearing would lead to the disclosure of confidential student information SUCH AS GRADES OR DISCIPLINE INFORMATION, the Board shall meet in closed session to consider a suspension, disciplinary action, any other action against a student except expulsion, or a challenge to a student record. AT LEAST 72 HOURS PRIOR TO THE

CLOSED SESSION (cont.)

START OF THE MEETING OF WHICH THE CLOSED SESSION IS A PART, THE SUPERINENDENT OR DESIGNEE, ON BEHALF OF THE BOARD, SHALL, IN WRITING, BY REGISTERED OR CERTIFIED OR BY PERSONAL SERVICE NOTIFY THE STUDENT AND THE STUDENT'S PARENT/GUARDIAN OF THE INTENT OF THE BOARD TO HEAR THE ITEM IN CLOSED SESSION. If a written request for open session is received from the STUDENT OR THE STUDENT'S parentS/guardianS or adult student, WITHIN 48 HOURS OF RECEIVING THE NOTICE, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any student other than the student requesting the public meeting shall be in closed session. (Education Code 35146, 48912, 49070)

(cf. 5117 - Interdistrict Attendance)
 (cf. 5119 - Student Expelled from Other Districts)
 (cf. 5125.3 - Challenging Student Records)
 (cf. 5144 - Discipline)

~~IF The Board CONDUCTS shall meet in closed session to consider the AN expulsion HEARING PURSUANT TO BOARD POLICY 5144.1-SUSPENSION AND EXPULSION/DUE PROCESS, THE BOARD SHALL DO SO IN CLOSED SESSION of a student,~~ unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

(cf. 5144.1 - Suspension and Expulsion/Due Process)
 (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

~~Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.~~

~~Final action on a student matter deliberated in closed session shall be taken in open session and shall be a matter of public record. (Education Code 35146, 48918)~~

~~However, in taking final action, the Board shall not release any information in violation of~~ IN ORDER TO PROTECT student privacy rights provided in 20 USC 1232G or other applicable laws, THE IDENTITY OF A STUDENT SHALL NOT BE LISTED IN THE AGENDA AND UNLESS THE ITEM IS HEARD IN OPEN SESSION, SHALL NOT BE INCLUDED IN ANY REPORT AFTER CLOSED SESSION. ADDITIONALLY, A STUDENT MATTER SHALL BE LISTED IN THE OPEN SESSION PORTION OF THE

CLOSED SESSION (cont.)

AGENDA WITH THE SAME DESCRIPTION AND NUMBERING SYSTEM AS IT WAS ON THE CLOSED SESSION PORTION OF THE AGENDA. ~~an expulsion or other disciplinary action, the cause for the disciplinary action shall be disclosed in open session, but the Board shall refer to the student number or other identifier and shall not disclose the student's name.~~

(cf. 5125 - Student Records)

Security Matters

The Board may meet in closed session with the Governor, attorney general, district attorney, District legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or to the public's right of access to public services or public facilities. Such discussions may be held in closed session during an emergency meeting called pursuant to Government Code 54956.5 BOARD BYLAW 9320-MEETINGS AND NOTICES, AND BOARD BYLAW EXHIBIT (1) 9323.2-ACTIONS BY THE BOARD. ~~if agreed to by a two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present. (Government Code 54956.5, 54957)~~

(cf. 0450 - Comprehensive Safety Plan)
 (cf. 3515 - Campus Security)
 (cf. 3516 - Emergencies and Disaster Preparedness Plan)
 (cf. 9323.2 - Actions by the Board)

~~Agenda items related to these security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)~~

The Board may ALSO meet in closed session to consult with law enforcement officials on the development of a plan for tactical responses to criminal incidents and to approve the plan. ~~Following the closed session, the Board shall report any action taken to approve the plan, but need not disclose the District's plan for tactical responses. (Education Code 32281)~~

Real Property Negotiations

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the District in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

CLOSED SESSION (cont.)

~~Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)~~

~~Agenda items related to real property negotiations shall specify the District negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)~~

~~When the Board approves a final agreement concluding real estate negotiations pursuant to Government Code 54956.8, it shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party to the negotiations, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the District of its approval. (Government Code 54957.1)~~

Pending ANTICIPATED Litigation/INITIATION OF LITIGATION

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending ANTICIPATED litigation OR WHETHER TO INITIATE LITIGATION when a discussion of the EITHER matter in open session would prejudice the District's position in the WITH RESPECT TO SUCH litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered TO BE "pending ANTICIPATED" WHEN IN THE BOARD'S OPINION BASED ON THE ADVICE OF ITS LEGAL COUNSEL REGARDING THE EXISTING FACTS AND CIRCUMSTANCES, THERE IS SIGNIFICANT EXPOSURE TO LITIGATION AGAINST THE DISTRICT OR AGAINST A DISTRICT OFFICER OR EMPLOYEE BASED ON PRIOR OR PROSPECTIVE ACTIVITIES OR ALLEGED ACTIVITIES DURING AND POTENTIALLY DURING THE COURSE AND SCOPE OF THE OFFICE OF EMPLOYMENT. in any of the following circumstances (Government Code 54956.9):

1. ~~Litigation to which the District is a "party" has been initiated formally. (Government Code 54956.9(a))~~

CLOSED SESSION (cont.)

~~2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the District, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(d)(2), (3))~~

Existing facts and circumstances for these purposes are limited to the following:
(Government Code 54956.9)

~~a1. Facts and circumstances that might result in litigation against the District but which the District believes are not yet known to potential plaintiffs and which do not need to be disclosed.~~

~~B2. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the District, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda.~~

~~e3. The receipt of a claim pursuant to the Tort GOVERNMENT Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.~~

~~(cf. 3320 — Claims and Actions Against the District)~~

~~d4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.~~

~~e5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the District official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.~~

~~3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(d)(4))~~

EACH AGENDA ITEM RELATED TO ANTICIPATED LITIGATION SHALL ONLY CONTAIN ONE SUCH MATTER. FOR AN ANTICIPATED LITIGATION ITEM THAT IS ANTICIPATED BASED ON ITEMS #2, #3, OR #5 ABOVE, THE AGENDA ITEM SHALL ALSO INCLUDE THE FACTS OR CIRCUMSTANCES THAT MIGHT RESULT IN LITIGATION, THE CLAIM OR WRITTEN THREAT OF LITIGATION, OR THE RECORD

CLOSED SESSION (cont.)

OF THE THREAT. HOWEVER, THE AGENDA ITEM SHALL NOT IDENTIFY THE ALLEGED VICTIM OF UNLAWFUL OR TORTIOUS SEXUAL CONDUCT OR ANYONE MAKING THE THREAT ON THE ALLEGED VICTIM'S BEHALF, OR IDENTIFY A PUBLIC EMPLOYEE WHO IS THE ALLEGED PERPETRATOR OF ANY UNLAWFUL OR TORTIOUS CONDUCT UPON WHICH A THREAT OF LITIGATION IS BASED, UNLESS THE IDENTITY OF THE PERSON HAS BEEN PUBLICLY DISCLOSED. (Government Code 54956.9)

~~Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(d)(1), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the District's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)~~

~~Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)~~

~~"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)~~

~~"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the District expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases.~~

~~The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)~~

~~Following the closed session, the Board shall publicly report, as applicable: (Government Code 54957.1)~~

- ~~1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.~~

CLOSED SESSION (cont.)

- ~~2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that the action, defendants, and other details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the District's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.~~
- ~~3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.~~

~~If approval is given to legal counsel to settle pending litigation but final approval rests with the other party or with the court, the District shall report the fact of approval and the substance of the agreement thereon to persons who inquire once the settlement is final. (Government Code 54957.1)~~

EXISTING LITIGATION

BASED ON THE ADVICE OF ITS LEGAL COUNSEL, THE BOARD MAY HOLD A CLOSED SESSION TO CONFER WITH OR RECEIVE ADVICE FROM ITS LEGAL COUNSEL REGARDING EXISTING LITIGATION WHEN DISCUSSION OF THE MATTER IN OPEN SESSION WOULD PREJUDICE THE DISTRICT'S POSITION WITH RESPECT TO SUCH LITIGATION. LITIGATION IS CONSIDERED TO BE "EXISTING" WHEN THE DISTRICT HAS BEEN NAMED A PARTY TO THE LITIGATION OR A DISTRICT OFFICER OR EMPLOYEE HAS BEEN NAMED A PARTY TO THE LITIGATION BASED ON PRIOR OR PROSPECTIVE ACTIVITIES OR ALLEGED ACTIVITIES DURING THE COURSE AND SCOPE OF THAT OFFICE OR EMPLOYMENT, INCLUDING LITIGATION IN WHICH INVOLVES WHETHER AN ACTIVITY IS OUTSIDE THE COURSE AND SCOPE OF THE OFFICE OR EMPLOYMENT. FOR THIS PURPOSE, "LITIGATION" MEANS ANY ADJUDICATORY PROCEEDING, INCLUDING EMINENT DOMAIN, BEFORE A COURT, ADMINISTRATIVE BODY EXERCISING ITS ADJUDICATORY AUTHORITY, HEARING OFFICER, OR ARBITRATOR. (Government Code 54956.9)

Tort, Public, or Workers' Compensation Liability

THE BOARD MAY MEET IN CLOSED SESSION TO DISCUSS A CLAIM FOR THE PAYMENT OF TORT LIABILITY LOSSES, PUBLIC LIABILITY LOSSES, OR WORKERS' COMPENSATION LIABILITY INCURRED BY A JOINT POWERS AGENCY (JPA) FORMED FOR THE PURPOSE OF INSURANCE POOLING OR SELF-INSURANCE AUTHORITY OF WHICH THE DISTRICT IS A MEMBER. (Government Code 54956.95)

CLOSED SESSION (cont.)**Joint Powers Agency Issues**

~~The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a Joint Powers Agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the District is a member. (Government Code 54956.95)~~

~~Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)~~

~~(cf. 3530 Risk Management/Insurance)~~

~~Following the closed session, the Board shall publicly report the disposition of joint powers agency or self-insurance claims, including the name of the claimant(s), the name of the agency claimed against, the substance of the claim, and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)~~

When the board of the JPA has so authorized and upon advice of District legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

~~Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the District on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)~~

Review of Audit Report from California State Auditor's Office

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

~~Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)~~

~~Following the closed session, the Board shall publicly confirm that the report was reviewed and a response was prepared.~~

CLOSED SESSION (cont.)**Review of Assessment Instruments**

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.51 - State Academic Achievement Tests)

~~Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.~~

~~Following the closed session, the Board shall confirm that the assessment instruments were reviewed. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.~~

Legal Reference:EDUCATION CODE

32281 School safety plans

35145 Public meetings

35146 Closed session for student suspension or disciplinary action

44929.21 Districts with ADA of 250 or more

48912 Governing board suspension of student

48918 Rules governing expulsion procedures; hearings and notice

49070 Challenging content of student records

49073-49079 Privacy of student records

60617 Closed session (re review of contents of statewide assessment)

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

6252-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act

CALIFORNIA CONSTITUTION

Article 1, Section 3 Public right to access information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

COURT DECISIONS

Moreno v. City of King, (2005) 127 Cal.App.4th 17

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860

Rim of the World Unified School District v. San Bernardino County Superior Court, (2002) 104 Cal.App.4th 1393

Bell v. Vista Unified School District, (2000) 82 Cal.App. 4th 672

Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87

Kleitman v. Superior Court of Santa Clara County, (1999) 87 Cal Rptr. 2d

Furtado v. Sierra Community College District, (1998) 68 Cal.App. 4th 876

CLOSED SESSION (cont.)

Roberts v. City of Palmdale, (1993) 5 Cal. 4th 363

San Diego Union v. City Council, (1983) 146 Cal.App.3d 947

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

ATTORNEY GENERAL OPINIONS

94 Ops.Cal.Atty.Gen. 82 (2011)

89 Ops.Cal.Atty.Gen. 110 (2006)

86 Ops.Cal.Atty.Gen. 210 (2003)

78 Ops.Cal.Atty.Gen. 218 (1995)

59 Ops.Cal.Atty.Gen. 532 (1976)

57 Ops.Cal.Atty.Gen. 209 (1974)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2014

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

WEBSITES

California School Boards Association: www.csba.org

California Office of the Attorney General: www.oag.ca.gov

League of California Cities: www.cacities.org

Chino Valley Unified School District

Bylaw adopted: August 17, 1995

Revised: March 15, 2001

Revised: July 17, 2003

Revised: October 20, 2011

Revised: October 4, 2012

Revised: May 21, 2015

Revised: September 1, 2016

Revised: November 21, 2019

REVISED:

Bylaws of the Board

Exhibit 1

Board Meeting Agenda Descriptions for Closed Session Items

The governing Board meeting agenda shall include the following description of a closed session item, as applicable:

Personnel Matters

Public Employee Appointment: Government Code 54957

Title: _____

Public Employment: Government Code 54957

Title: _____

Public Employee Performance Evaluation: Government Code 54957

Title: _____

Public Employee Discipline/Dismissal/Release: Government Code 54957 (~~No additional information is required. an employee's dismissal or nonrenewal shall not be reported until the employee has first exhausted any right to a hearing or other administrative remedy~~ DUE TO EMPLOYEE PRIVACY RIGHTS, NO ADDITIONAL INFORMATION MAY BE PROVIDED.)

Specific Complaint or Charge Against Employee: Government Code 54957 (~~No additional information is required~~ DUE TO EMPLOYEE PRIVACY RIGHTS, NO ADDITIONAL INFORMATION MAY BE PROVIDED.)

Employee application for early withdrawal of funds in deferred compensation plan: Government Code 54957.10 (~~No additional information is required~~ MAY BE PROVIDED.)

Negotiations/Collective Bargaining

Conference with Labor Negotiators: Government Code 54957.6

District-Designated Representatives: _____
(Specify names of representatives attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: _____
(Specify name of employee organization with which negotiations are being held.)

Bylaws of the Board

or

Unrepresented Employee: _____
(Specify position of unrepresented employee(S) who is the subject of the negotiations.)

Matters Related to Students

Student Suspension/Other Disciplinary Action: Education Code 35146

Student Identification Number: _____
(~~It is recommended that the student's name not be listed~~ DUE TO STUDENT PRIVACY RIGHTS, NO ADDITIONAL INFORMATION MAY BE PROVIDED. The District may use other means to identify the student for record-keeping purposes.)

Student Expulsion: Education Code 48912

Student Identification Number: _____
(~~It is recommended that the student's name not be listed~~ DUE TO STUDENT PRIVACY RIGHTS, NO ADDITIONAL INFORMATION MAY BE PROVIDED. The District may use other means to identify the student for record-keeping purposes.)

Student Grade Change Appeal: Education Code 49070

~~Student~~ TRACKING/Identification Number: _____
(~~It is recommended that the student's name not be listed~~ DUE TO STUDENT PRIVACY RIGHTS, NO ADDITIONAL INFORMATION MAY BE PROVIDED. The District may use other means to identify the student for record-keeping purposes.)

Confidential Student Matter

Action Under Consideration: _____
(If the Board is considering a confidential student matter other than those listed above, specify type of action.)

~~Student~~ TRACKING/Identification number: _____
(~~It is recommended that the student's name not be listed~~ DUE TO STUDENT PRIVACY RIGHTS, NO ADDITIONAL INFORMATION MY BE PROVIDED. The District may use other means to identify the student for record-keeping purposes.)

Security Matters

Threat to Public Services or Facilities: Government Code 54957

Consultation With: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title with whom the Board will consult.)

Bylaws of the Board

Development/Approval of Tactical Response Plan: Education Code 32281

Consultation With: _____
(Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title with whom the Board will consult.)

Real Property Negotiations

Conference With Real Property Negotiators: Government Code 54956.8

Property: _____
(Specify street address or, if no street address, the parcel number, or other unique reference of the real property under negotiation.)

District Negotiator: _____
(Specify names of negotiators attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session.)

PARTY WITH WHOM DISTRICT IS Negotiating-~~Parties~~: _____
(Specify name of party not agent.)

Under Negotiation: _____
(Specify whether instruction to negotiator will concern price, terms of payment, or both.)

ANTICIPATED LITIGATION/INITIATION OF LITIGATION

~~Pending Litigation~~

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE 54956.9(D)(2) or (3)

IF APPLICABLE, FACTS AND CIRCUMSTANCES: _____

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION: INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE 54956.9(D)(4)

IF APPLICABLE, FACTS AND CIRCUMSTANCES: _____

EXISTING LITIGATION

Conference With Legal Counsel - Existing Litigation: Government Code 54956.9(d)(1)

Bylaws of the Board

Name of Case: _____
(Specify by reference to claimant's name, names of parties, or case or claim numbers.)

or

Case name unspecified, as identification of the case would jeopardize service of process or existing settlement negotiations.

~~Conference With Legal Counsel – Anticipated Litigation: Government Code 54956.9(D)(2) or (3)~~

~~Significant exposure to litigation pursuant to government code 54956.9(D)(2) OR (3).
Number of Potential Cases: _____~~

or

~~Initiation of Litigation Pursuant to Government Code 54956.9(D)(4). Number of Potential Cases: _____~~

~~If applicable, facts and circumstances: _____
(The District may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Government Code 54956.9(E)(2)-(5). These include facts and circumstances, such as an accident, disaster, incident, or transactional occurrence that might result in litigation against the District and that are known to potential plaintiff(s).)~~

TORT, PUBLIC, OR WORKERS' COMPENSATION LIABILITY

LIABILITY CLAIMS: GOVERNMENT CODE 54956.95

NAME OF CLAIMANT(S): _____
(SPECIFY NAME, EXCEPT WHEN THE CLAIMANT IS A VICTIM OR ALLEGED VICTIM OF TORTIOUS SEXUAL CONDUCT OR CHILD ABUSE UNLESS THE IDENTITY OF THE PERSON HAS BEEN PUBLICLY DISCLOSED.)

NAME OF AGENCY AGAINST WHICH CLAIM IS MADE: _____

Joint Powers Authority Issues

~~Liability claims for insurance-related joint powers agency~~ INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT: Government Code 54956.956

Bylaws of the Board

Name of claimant(s): _____

~~(Specify Name, Except Pursuant to Government Code 54961 when the claimant is a victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.)~~

Name of agency against which the claim is made: _____

~~Conference involving information from a Joint Powers Agency with direct financial or liability implications for District: Government Code 54956.96~~

Name of JPA: _____

Discussion Will Concern: _____
(Specify closed session description used by the JPA.)

Name of District representative on JPA board: _____

~~Names of agencies or titles of representatives attending the closed session as consultants or other representatives, if applicable: _____~~

Review of Audit from State Auditor's Office

Audit by California State Auditor's Office: Government Code 54956.75
(No additional information is required.)

Review of Assessment Instruments

Review of Student Assessment Instrument: Education Code 60617

~~The Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program. Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.~~

(REFERENCE RESOLUTION IN WHICH BOARD AGREED TO ACCEPT THE TERMS OR CONDITIONS ESTABLISHED BY RULES AND REGULATIONS OF THE STATE BOARD OF EDUCATION.)

Bylaws of the Board

Exhibit 2

Reports of Closed Session Actions

Following a closed session during any Board of Education meeting, the Board shall reconvene in open session to present, orally or in writing, a report of any of the following actions taken during the closed session, as applicable:

Personnel Matters**PUBLIC EMPLOYEE APPOINTMENT**

TITLE: _____
(SPECIFY POSITION TO BE FILLED)

APPOINTMENT MADE: (YES; OTHERWISE, NO ACTION TAKEN)

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

PUBLIC EMPLOYMENT

TITLE: _____
(SPECIFY POSITION TO BE FILLED)

DECISION TO EMPLOY: (YES; OTHERWISE, NO ACTION TAKEN)

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

TITLE: _____
(SPECIFY TITLE OF EMPLOYEE BEING EVALUATED)

(IF APPLICABLE) BOARD EVALUATED AN EMPLOYEE IN THE ABOVE LISTED POSITION.

Bylaws of the Board

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

TITLE: _____
(SPECIFY POSITION AFFECTED)

(IF APPLICABLE) DECISION TO DISMISS/RELEASE: (YES; OTHERWISE, NO ACTION TAKEN)

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

SPECIFIC COMPLAINT OR CHARGE AGAINST EMPLOYEE

(IF APPLICABLE) BOARD HEARD/DISCUSSED A SPECIFIC COMPLAINT OR CHARGE AGAINST AN EMPLOYEE.

EMPLOYEE APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN

(IF APPLICABLE) BOARD RECEIVED/DISCUSSED AN EMPLOYEE'S APPLICATION FOR EARLY WITHDRAWAL OF FUNDS IN DEFERRED COMPENSATION PLAN.

Negotiations/Collective Bargaining

(IF APPLICABLE) AGREEMENT REACHED WITH: _____
(SPECIFY EMPLOYEE ORGANIZATION)

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

MATTERS RELATED TO STUDENTS

STUDENT SUSPENSION/OTHER DISCIPLINARY ACTION

TRACKING/IDENTIFICATION NUMBER: _____

Bylaws of the Board

(IF APPLICABLE) BOARD HEARD/DISCUSSED THIS MATTER AND WILL VOTE IN OPEN SESSION AS INDICATED IN THE AGENDA.

STUDENT EXPULSION

TRACKING/IDENTIFICATION NUMBER: _____

(IF APPLICABLE) BOARD HEARD/DISCUSSED THIS MATTER AND WILL VOTE IN OPEN SESSION AS INDICATED IN THE AGENDA.

STUDENT GRADE CHANGE APPEAL

TRACKING/IDENTIFICATION NUMBER: _____

(IF APPLICABLE) BOARD HEARD/DISCUSSED THIS MATTER.

CONFIDENTIAL STUDENT MATTER

ACTION UNDER CONSIDERATION: _____

TRACKING/IDENTIFICATION NUMBER: _____

(IF APPLICABLE) BOARD HEARD/DISCUSSED THIS MATTER.

Security Matters

THREAT TO PUBLIC SERVICES OR FACILITIES

(IF APPLICABLE) BOARD CONSULTED WITH: _____
(SPECIFY NAME OF LAW ENFORCEMENT AGENCY AND TITLE OF OFFICER, OR NAME OF APPLICABLE AGENCY REPRESENTATIVE AND TITLE, WITH WHOM THE BOARD WILL CONSULT.)

DEVELOPMENT/APPROVAL OF TACTICAL RESPONSE PLAN

(IF APPLICABLE) BOARD APPROVED A TACTICAL RESPONSE PLAN.

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

Bylaws of the Board

Real Property Negotiations

(IF APPLICABLE) BOARD APPROVED AN AGREEMENT CONCLUDING REAL ESTATE NEGOTIATIONS AND THE AGREEMENT IS FINAL.

SUBSTANCE OF AGREEMENT:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

ANTICIPATED LITIGATION/INITIATION OF LITIGATION

(IF APPLICABLE) BOARD HAS GIVEN APPROVAL TO LEGAL COUNSEL TO DEFEND THE DISTRICT AGAINST ANTICIPATED LITIGATION.

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

OR

(IF APPLICABLE) BOARD APPROVED AN AGREEMENT CONCLUDING THIS MATTER AND THE AGREEMENT IS FINAL.

ADVERSE PARTY(S): _____

SUBSTANCE OF AGREEMENT: _____

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

Bylaws of the Board

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

(IF APPLICABLE) BOARD HAS GIVEN APPROVAL TO LEGAL COUNSEL TO INITIATE LITIGATION.

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

OR

(IF APPLICABLE) BOARD APPROVED AN AGREEMENT CONCLUDING THIS MATTER AND THE AGREEMENT IS FINAL.

ADVERSE PARTY(S): _____

SUBSTANCE OF AGREEMENT: _____

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

EXISTING LITIGATION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(IF APPLICABLE) BOARD HAS GIVEN APPROVAL TO LEGAL COUNSEL TO DEFEND THE DISTRICT, SEEK OR REFRAIN FROM SEEKING APPELLATE 4 POLICY REFERENCE DISCLAIMER: REVIEW OR RELIEF, OR TO ENTER AS AN AMICUS CURIAE IN THIS LITIGATION.

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

Bylaws of the Board

OR

(IF APPLICABLE) BOARD APPROVED AN AGREEMENT CONCLUDING THIS LITIGATION AND THE AGREEMENT IS FINAL.

SUBSTANCE OF AGREEMENT: _____

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

Tort, Public, or Workers' Compensation Liability

LIABILITY CLAIMS

(IF APPLICABLE) BOARD APPROVED DISPOSING OF THIS CLAIM AND THAT DISPOSITION IS FINAL.

SUBSTANCE OF CLAIM, INCLUDING AMOUNT OF PAYMENT TO CLAIMANT:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

RECUSED: _____

(ENTER NAMES OF BOARD MEMBERS)

JOINT POWERS AGENCY ISSUES

INFORMATION FROM A JOINT POWERS AGENCY WITH DIRECT FINANCIAL OR LIABILITY IMPLICATIONS FOR DISTRICT

(IF APPLICABLE) BOARD HEARD/DISCUSSED THIS MATTER.

REVIEW OF AUDIT FROM STATE AUDITOR'S OFFICE

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

Bylaws of the Board

(IF APPLICABLE) BOARD HEARD/DISCUSSED THIS MATTER.

REVIEW OF ASSESSMENT INSTRUMENTS

REVIEW OF STUDENT ASSESSMENT INSTRUMENT

(IF APPLICABLE) BOARD REVIEWED THE ASSESSMENT IN COMPLIANCE WITH THE APPLICABLE BOARD RESOLUTION.

Title of Position: _____

Action Taken: _____
(e.g., appointment/employment/evaluation/discipline/dismissal/release)

Board Member Votes/Abstentions: _____

~~Negotiations/Collective Bargaining~~

~~Approval of Final Agreement With Represented Employees~~

~~Item Approved: _____~~

~~Other Party/Parties to the Negotiation: _____~~

~~Board Member Votes/Abstentions: _____~~

~~Matters Related to Students~~

~~(Final action must be taken in open session. It is recommended that the student's name not be disclosed.)~~

~~Security Matters~~

~~Action Taken: _____
(e.g., consultation with law enforcement; approval of contract or memorandum of understanding; approval of tactical response plan, without disclosing the details of the plan)~~

~~Board Member Votes/Abstentions: _____~~

~~Real Property Negotiations~~

~~Action Taken: _____~~

Bylaws of the Board

~~(Report if Board approves a final agreement concluding real estate negotiations. If final approval rests with the other party, report as soon as the other party has approved the agreement.)~~

~~Substance of the Agreement: _____~~

~~Board Member Votes/Abstentions: _____~~

Existing Litigation

~~Action Taken Related to Existing Litigation: _____~~

~~(e.g., approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation; or approval to legal counsel of a settlement of pending litigation at any stage prior to or during a judicial or quasi-judicial proceeding. If final approval of settlement rests with the other party, report to any person upon request once the settlement is final.)~~

~~Adverse Party/Parties, if Known: _____~~

~~Substance of the Litigation: _____~~

~~Board Member Votes/Abstentions: _____~~

Anticipated Litigation

~~Action Taken: The Board has given approval to legal counsel to initiate or intervene in a lawsuit. The action, defendants, and other details will be disclosed to any person upon request after the lawsuit is commenced, unless doing so would jeopardize the District's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage. (The report does not need to initially identify the action, defendants, or other details.)~~

~~Board Member Votes/Abstentions: _____~~

Joint Powers Agency Issues

~~Liability Claims for Insurance-Related Joint Powers Agency~~

~~Name of Claimant(S): _____~~

~~Name of Agency Against Which the Claim is Made: _____~~

~~Substance of the Claim: _____~~

Bylaws of the Board

~~Monetary Settlement Agreed Upon by the Claimant: _____~~

~~Board Member Votes/Abstentions: _____~~

~~Conference Involving Information From a Joint Powers Agency with Direct Financial or Liability Implications for District~~

~~Name of JPA: _____~~

~~Action Taken: _____
(Law does not include any specific disclosures to be reported.)~~

~~Board Member Votes/Abstentions: _____~~

~~Review of Audit From State Auditor's Office~~

~~Action Taken: The Board reviewed the confidential final draft audit report received from the California State Auditor's office and has prepared a response. (no additional information is required. Unless otherwise exempted by law, after the audit report is subsequently released to the public, any Board discussion of the report must be conducted in open session.)~~

~~Review of Assessment Instruments~~

~~Action Taken: The Board reviewed the contents of a student assessment instrument approved or adopted for the statewide testing system.~~

Exhibit adopted: November 21, 2019
REVISED:

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024
TO: Members, Board of Education
FROM: Norm Enfield, Ed.D., Superintendent
PREPARED BY: Sandra H. Chen, Associate Superintendent, Business Services
Liz Pensick, Director, Fiscal Services
SUBJECT: WARRANT REGISTER

=====

BACKGROUND

Education Code 42650 requires the Board to approve and/or ratify all designated payment of expenses of the District. These payments are made in the form of warrants, and the warrant (check) form is approved by the County Superintendent.

All items listed are within previously budgeted amounts. There is no fiscal impact beyond currently available appropriations.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the warrant register, provided under separate cover.

FISCAL IMPACT

\$6,780,365.20 to all District funding sources.

NE:SHC:LP:lf

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Sandra H. Chen, Associate Superintendent, Business Services
Liz Pensick, Director, Fiscal Services

**SUBJECT: 2023/2024 APPLICATIONS TO OPERATE FUNDRAISING
ACTIVITIES AND OTHER ACTIVITIES FOR THE BENEFIT OF
STUDENTS**

=====

BACKGROUND

Administrative Regulation 1230 Community Relations – School Connected Organizations requires that any person or group of people desiring to raise money to benefit a student or students at one or more schools within the District shall request authorization to operate by applying to the Chino Valley Unified School District Board of Education.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the 2023/2024 applications to operate fundraising activities and other activities for the benefit of students.

FISCAL IMPACT

None.

NE:SHC:LP:lf

CHINO VALLEY UNIFIED SCHOOL DISTRICT
February 1, 2024

**2023/2024 AUTHORIZATION TO OPERATE FUNDRAISING ACTIVITIES
AND OTHER ACTIVITIES FOR THE BENEFIT OF STUDENTS**

School

Ayala HS

Organization

Track & Field Boosters

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Sandra H. Chen, Associate Superintendent, Business Services
Liz Pensick, Director, Fiscal Services

SUBJECT: FUNDRAISING ACTIVITIES

=====

BACKGROUND

Board Policy 3452 Business and Noninstructional Operations – Student Activity Funds and Board Policy 1230 Community Relations – School Connected Organizations require that fundraising activities be submitted to the Board of Education for approval. All on-campus fundraising activities are subject to CVUSD reopening guidelines.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the fundraising activities.

FISCAL IMPACT

None.

NE:SHC:LP:lf

CHINO VALLEY UNIFIED SCHOOL DISTRICT
February 1, 2024

<u>SITE/DEPARTMENT</u>	<u>ACTIVITY/DESCRIPTION</u>	<u>DATE</u>
<u>Butterfield ES</u>		
PTA	Mother Son Dance & Ticket Sales	2/13/24 - 2/22/24
PTA	Father Daughter Dance & Ticket Sales	2/13/24 - 2/23/24
PTA	Movie Night	3/1/24
<u>Cattle ES</u>		
ASB - 6th Grade	Pop'N Flavors	2/5/24 - 2/23/24
<u>Dickey ES</u>		
PTO	Valentine's Day Grams	2/5/24 - 2/9/24
PTO	Spring Sale Blowout	3/19/24
PTO	World's Finest Chocolate	4/8/24 - 4/19/24
<u>Hidden Trails ES</u>		
PTA	Thinknlocal	4/1/24 - 4/30/24
<u>Oak Ridge ES</u>		
PTA	Dance Tickets	2/2/24 - 4/30/24
<u>Rhodes ES</u>		
PEP Club	Baskin-Robbins Family Fun Night	3/19/24
<u>Canyon Hills JHS</u>		
PTA	Thinknlocal	2/1/24 - 4/1/24
<u>Magnolia JHS</u>		
ASB - General	Panda Express Dine Out	3/20/24
<u>Ayala HS</u>		
ASB - Foster Love Club	7 Leaves Café	2/2/24
ASB - General	Valentine's Day Grams	2/2/24 - 2/13/24
ASB - Project Lady Bulldogs	Krispy Kreme Doughnuts	2/2/24 - 2/16/24
ASB - Project Positive	Hot Cocoa for Positivity	2/2/24 - 2/29/24
Track & Field Boosters	Donation Drive	2/2/24 - 5/1/24

CHINO VALLEY UNIFIED SCHOOL DISTRICT
February 1, 2024

<u>SITE/DEPARTMENT</u>	<u>ACTIVITY/DESCRIPTION</u>	<u>DATE</u>
<u>Ayala HS (cont.)</u>		
Track & Field Boosters	League Finals T-Shirt Sales	2/2/24 - 5/7/24
Track & Field Boosters	Thinknlocal	2/2/24 - 5/10/24
Aquatics Boosters	Spirit Wear	2/5/24 - 5/17/24
Aquatics Boosters	Chino Hills Pizza Co Dine Out	2/15/24
Track & Field Boosters	Invitational Team Entry Fees	2/17/24
Track & Field Boosters	Invitational Ticket Sales	2/17/24
Track & Field Boosters	Invitational Concessions	2/17/24
Aquatics Boosters	Raising Cane's	2/22/24
ASB - Key Club	Panera Dine Outs	2/23/24 - 3/16/24
ASB - Dance	Jr. Dance Day	3/16/24
ASB - Dance	Spring Dance Concert Concessions	4/25/24 - 4/26/24
<u>Chino HS</u>		
ASB - BST Ambassadors	Valentine's Day Grams	2/2/24 - 2/14/24
Band & Auxiliary Boosters	Nothing Bundt Sales	2/17/24
ASB - Class of '26	Chipotle Dine Out	3/19/24
<u>Chino Hills HS</u>		
General Boosters - Dance	Thinknlocal	2/5/24 - 3/5/24
General Boosters - Volleyball	Snap! Raise	2/5/24 - 3/5/24
General Boosters - Dance	Double Good Gourmet Popcorn	2/26/24 - 2/29/24
General Boosters - Dance	Panda Express Dine Out	3/1/24
General Boosters - Volleyball	Boys' Varsity Tournament	3/9/24
General Boosters - Volleyball	Boys' Junior Varsity Tournament	3/16/24
<u>Don Lugo HS</u>		
ASB - Quest News	Krispy Kreme Doughnuts	2/5/24 - 2/16/24
Sports Boosters - Baseball	Applebee's Breakfast	3/16/24
Sports Boosters - Baseball	Mountain Mike's Pizza	4/10/24

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024
TO: Members, Board of Education
FROM: Norm Enfield, Ed.D., Superintendent
PREPARED BY: Sandra H. Chen, Associate Superintendent, Business Services
Liz Pensick, Director, Fiscal Services
SUBJECT: DONATIONS

=====

BACKGROUND

Board Policy 3290 Business and Noninstructional Operations - Gifts, Grants, and Bequests states the Board of Education may accept any bequest or gift of money or property on behalf of the District. All gifts, grants, and bequests shall become property of the District. Use of the gift shall not be impaired by restrictions or conditions imposed by the donor. Approximate values are determined by the donor.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education accept the donations.

FISCAL IMPACT

Any cost for repairs of donated equipment will be a site expense.

NE:SHC:LP:lf

CHINO VALLEY UNIFIED SCHOOL DISTRICT
February 1, 2024

<u>DEPARTMENT/SITE DONOR</u>	<u>ITEM DONATED</u>	<u>APPROXIMATE VALUE</u>
<u>HOPE Program/Care Closet</u>		
Laura Jones-Kelly	Target Gift Cards	\$50.00
Jim Case	Target Gift Cards	\$100.00
Sherry Hall	Cash	\$100.00
Magnolia JHS	Various Gift Cards	\$275.00
Superior Grocers	Superior Grocers Gift Cards	\$500.00
Chino Valley Fire Foundation	Various Gift Cards	\$1,500.00
<u>Cattle ES</u>		
Marcia Roth	Cash	\$100.00
<u>Hidden Trails ES</u>		
Hidden Trails PTA	Cash	\$96.95
<u>Don Lugo HS</u>		
Regal Packaging, Inc.	Cash	\$250.00

CHINO VALLEY UNIFIED SCHOOL DISTRICT
Our Motto:
Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Sandra H. Chen, Associate Superintendent, Business Services
Liz Pensick, Director, Fiscal Services

SUBJECT: LEGAL SERVICES

=====

BACKGROUND

The following law firms provide services to the Chino Valley Unified School District and have submitted their invoices. The current invoice amounts, along with the fiscal year-to-date totals for each individual law firm, are listed below.

FIRM	MONTHS	INVOICE AMOUNTS	2023/2024 YEAR-TO-DATE
Atkinson, Andelson, Loya, Ruud & Romo	December	\$27,906.03	\$282,760.88
Margaret A. Chidester & Associates	December	\$ 2,948.75	\$ 26,740.25
Tao Rossini, APC	December	\$53,278.00	\$173,082.56
		-	
	Total	\$84,132.78	\$482,583.69

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve payment for legal services to the law offices of Atkinson, Andelson, Loya, Ruud & Romo; Margaret A. Chidester & Associates; and Tao Rossini, APC.

FISCAL IMPACT

\$84,132.78 to the General Fund.

NE:SHC:LP:lf

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Hilda Flores, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support
Stephanie Johnson, Director, Student Support Services

SUBJECT: STUDENT ADMISSION CASES 23/24-02A AND 23/24-03A

=====

BACKGROUND

The Board of Education may admit students expelled from other districts in accordance with law when consistent with the Board's goal to provide a safe and secure school environment for students and staff.

The District shall not enroll a student expelled by another district for any of the offenses listed in Education Code 48915(a) or (c) (mandatory expulsion offenses) during the term of the student's expulsion, unless the enrollment is at a community day school. A student expelled for an act specified in Education Code 48915(a) or (c) may enroll in the District after the term of his/her expulsion if the Board finds, at a hearing, that the student does not pose a continuing danger to students or staff.

The Board, when making its determination whether to enroll an individual who has been expelled from another school district for any of the acts mentioned above, may consider the following options: deny enrollment, permit enrollment, or permit conditional enrollment in a regular school program or another education program.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

Based upon the evidence presented to the Expulsion Hearing Administrative Panel, it is recommended the request regarding admission to the Chino Valley Unified School District be approved for student admission cases 23/24-02A and 23/24-03A.

FISCAL IMPACT

None.

NE:LF:SJ:jg

CHINO VALLEY UNIFIED SCHOOL DISTRICT
Our Motto:
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DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Hilda Flores, Ed.D., Assistant Superintendent, Curriculum, Instruction, Innovation, and Support
Stephanie Johnson, Director, Student Support Services

SUBJECT: STUDENT EXPULSION CASE 23/24-48

=====

BACKGROUND

The Board of Education has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others.

A student may be expelled only by the Board of Education. The Board shall expel, as required by law, any student found to have committed certain offenses listed in Education Code 48915.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

Based upon the recommendation of the Expulsion Hearing Administrative Panel, it is recommended the Board of Education approve student expulsion case 23/24-48.

FISCAL IMPACT

None.

NE:HF:SJ:jg

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Hilda Flores, Ed.D., Assistant Superintendent, Curriculum,
Instruction, Innovation, and Support

SUBJECT: SCHOOL-SPONSORED TRIPS

=====

BACKGROUND

The Board of Education recognizes that school-sponsored trips are an important component of a student's development and supplement and enrich the classroom learning experience. School-sponsored trips may be conducted in connection with the District's course of study or school related social, educational, cultural, athletic, school band activities, or other extracurricular or cocurricular activities. Resources will be identified and established at the school site to assist economically disadvantaged students in obtaining funding for field trips and, in some cases, student travel. School sponsored trips that require overnight stay or are in excess of 250 miles (one way) require board approval.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the following school-sponsored trips for:

School-Sponsored Trips	Date	Fiscal Impact
Site: Walnut ES Event: Science Camp – Pali Institute Place: Running Springs, CA Chaperone: 42 students/4 chaperones	February 14-16, 2024	Cost: \$390.00 per student Funding Source: Title I
Site: Magnolia JHS Event: New York/Washington D.C. Trip Place: New York City, New York; Arlington, VA Chaperone: 18 students/4 chaperones	March 23-28, 2024	Cost: \$3,308.00 per student Funding Source: Fundraising and parents
Site: Ayala HS Event: Stars Performance Jazz Festival Place: Orlando, FL Chaperone: 37 students/5 chaperones	March 14-17, 2024	Cost: \$2,000.00 per student Funding Source: Parents

Site: Ayala HS Event: Orchestra Carnegie Hall Place: New York City, New York Chaperone: 40 students/6 chaperones	March 22-27, 2024	Cost: \$2,600.00 per student Funding Source: Parents
Site: Ayala HS Event: Palmetto High School Golf Championship Place: Pawleys Island, SC Chaperone: 10 students/4 chaperone	March 26-30, 2024	Cost: \$700.00 per student Funding Source: Fundraising and parents
Site: Chino Hills HS Event: USA Spirit Nationals Place: Anaheim, CA Chaperone: 45 students/4 chaperones	February 16-18, 2024	Cost: \$600.00 per student Funding Source: Boosters
Site: Chino Hills HS Event: West Coast Elite Dance Nationals Place: Long Beach, CA Chaperone: 21 students/4 chaperones	March 1-3, 2024	Cost: \$600.00 per student Funding Source: Boosters
Site: Chino Hills HS Event: Disney World Performance Tour for Wind Ensemble and Choir Place: Lake Buena Vista, FL Chaperone: 75 students/11 chaperones	March 6-10, 2024	Cost: \$2,254.00 per student Funding Source: Fundraising and boosters
Site: Chino Hills HS Event: USA Spirit Nationals Place: Anaheim, CA Chaperone: 45 students/4 chaperones	March 22-24, 2024	Cost: \$600.00 per student Funding Source: Boosters
Site: Chino Hills HS Event: Winter Guard International (WGI) National Championships Place: Dayton, OH Chaperone: 24 students/5 chaperones	April 9-14, 2024	Cost: \$2,000.00 per student Funding Source: Boosters
Site: Chino Hills HS Event: WGI National Championships Place: Dayton, OH Chaperone: 56 students/6 chaperones	April 16-21, 2024	Cost: \$2,000.00 per student Funding Source: Boosters
Site: Don Lugo HS Event: Senior Retreat Place: Idyllwild, CA Chaperone: 150 students/20 chaperones	February 9-11, 2024	Cost: \$225.00 per student Funding Source: Parents
Site: Don Lugo HS Event: Santa Barbara Jazz Festival Place: Santa Barbara, CA Chaperone: 22 students/4 chaperones	May 11-12, 2024	Cost: \$233.00 per student Funding Source: Fundraising

FISCAL IMPACT

None.

NE:HF:gks

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Gregory J. Stachura, Assistant Superintendent, Facilities, Planning
and Operations
Kathy Casino, Director, Purchasing

SUBJECT: PURCHASE ORDER REGISTER

=====

BACKGROUND

Board Policy 3310 Business and Noninstructional Operations – Purchasing requires approval/ratification of purchase orders by the Board of Education. A purchase order is a legal contract between a district and vendor, containing a description of each item listed and/or a statement to the effect that supplies, equipment or services furnished herewith shall be in accordance with specifications and conditions.

Purchase orders represent a commitment of funds. No item on this register will be processed unless within budgeted funds. The actual payment for the services or materials is made with a warrant (check) and reported on the warrant register report.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the purchase order register, provided under separate cover.

FISCAL IMPACT

\$3,993,955.10 to all District funding sources.

NE:GJS:KC:cb

CHINO VALLEY UNIFIED SCHOOL DISTRICT

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DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Gregory J. Stachura, Assistant Superintendent, Facilities, Planning
and Operations
Kathy Casino, Director, Purchasing

SUBJECT: AGREEMENTS FOR CONTRACTOR/CONSULTANT SERVICES

=====

BACKGROUND

All contracts between the District and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee. To be valid or to constitute an enforceable obligation against the District, all contracts must be approved and/or ratified by the Board of Education.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the Agreements for Contractor/Consultant Services.

FISCAL IMPACT

As indicated.

CURRICULUM, INSTRUCTION, INNOVATION, AND SUPPORT	FISCAL IMPACT
CIIS-2324-144 Softchoice Corporation. To provide Microsoft 365 services, email, mailbox threat protection. Submitted by: Technology Duration of Agreement: June 1, 2024 - May 31, 2025	Contract amount: \$175,969.32 Funding source: General Fund
CIIS-2324-145 RJ Powell Consultants, Inc. To provide professional development. Submitted by: Health Services/Child Development Duration of Agreement: February 2, 2024 - May 23, 2024	Contract amount: \$6,497.00 Funding source: Special Education
CIIS-2324-146 TLM, Inc. dba Robert McNeel & Associates. To provide engineering, architecture lab license. Submitted by: Secondary Curriculum and Instruction Duration of Agreement: February 2, 2024 - June 30, 2028	Contract amount: \$1,950.00 Funding source: Career Technical Education Incentive Grant
CIIS-2324-147 Sourcewell. To provide math intervention program. Submitted by: Hidden Trails ES Duration of Agreement: January 1, 2024 - June 30, 2024	Contract amount: \$1,295.00 Funding source: Arts and Music Block Grant
CIIS-2324-148 Lexia Learning Systems LLC. To provide student subscriptions. Submitted by: Rhodes ES Duration of Agreement: February 1, 2024 - June 30, 2026	Contract amount: \$8,000.00 Funding source: Title 1

MASTER CONTRACTS	FISCAL IMPACT
MC-2324-080 Vita Italian Bar & Grill. To provide banquet venue. Submitted by: Chino Hills HS Duration of Agreement: February 2, 2024 - June 30, 2027	Contract amount: Per Rate Sheet Funding source: Various
MC-2324-081 Vanneil M Borders dba SWAG Basketball. To provide basketball enrichment learning and sports program. Submitted by: Country Springs ES Duration of Agreement: February 2, 2024 - June 30, 2027	Contract amount: Per Rate Sheet Funding source: Various

APPROVED CONTRACTS TO BE AMENDED	AMENDMENT
CIIS-2324-084 HopSkipDrive, Inc. To provide transportation for McKinney-Vento homeless and unaccompanied youth. Submitted by: Health Services/CARE Duration of Agreement: July 1, 2023 - June 30, 2024 Original Board Approval: June 15, 2023	Contract amount: \$100,000.00 Increase contract amount from \$55,000.00 to \$100,000.00 for additional students. Funding source: Title 1

APPROVED CONTRACTS TO BE AMENDED	AMENDMENT
RFP 20-21-03 American Transportation. To provide charter bus services. Submitted by: Transportation Duration of Agreement: November 5, 2023 - November 6, 2024 Original Board Approval: November 5, 2020	Contract amount: Per Rate Sheet Extend RFP 20-21-03 from November 5, 2023 through November 6, 2024. Funding source: Various

CHINO VALLEY UNIFIED SCHOOL DISTRICT

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DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Gregory J. Stachura, Assistant Superintendent, Facilities, Planning,
and Operations
Kathy Casino, Director, Purchasing

SUBJECT: SURPLUS/OBSOLETE PROPERTY

=====

BACKGROUND

The Board of Education recognizes that the District may own personal property, which is unusable, obsolete, or no longer needed by the District. The Superintendent or designee shall arrange for the sale or disposal of District personal property in accordance with Board policy and the requirements of Education Code 17545.

Lists of surplus items are emailed to the Facilities/Planning Department to be placed on an upcoming Board agenda. After Board approval, items may be picked up by District warehouse or a liquidation company for public auction. Items not picked up for public auction may be sold through a private sale, donated to charitable organization, or disposed of in the local public dump in accordance with Education Code Section 17546.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education declare the District property surplus/obsolete and authorize staff to sell/dispose of said property.

FISCAL IMPACT

Increase to the General Fund from proceeds of sale.

NE:GJS:KC:cb

List the equipment below that your site/department no longer needs. Indicate on the form if the item is in working or non- working condition. When the form has been completed and signed, KEEP A COPY and forward the approved form to Kathy_Casino@chino.k12.ca.us . Equipment that is not transferred to another site/department will be taken before the Governing Board for approval to surplus/dispose. A work order should be submitted via SchoolDude for surplus to be scheduled for pick up.

December 2023

School Site/Department: Technology Date Submitted: 1/17/2024

Site Contact & Extension Andrew Black, Chief Technology Officer, x1350

Date	Description	Model	Service Tag/Serial Number	CVUSD Asset Number	Destiny Asset Number	Good Working Condition
12/8/2023	Computer	Chromebook Device	PF3D5QX7	R0004229	R0004229	Yes
12/8/2023	Computer	Chromebook Device	p207zym0	84314	X7293499	Yes
12/8/2023	Computer	Chromebook Device	p207zs9m	70724	X7292883	Yes
12/8/2023	Computer	Chromebook Device	p20894jf	85280	X7290491	No
12/8/2023	Computer	Chromebook Device	PF2S0GND	112217	X 7313215	No
12/8/2023	Computer	Chromebook Device	PF2QWS5G	115322	X 7315901	No
12/8/2023	Computer	Chromebook Device	PF2QFBYZ	110420	x 7306448	No
12/8/2023	Computer	Chromebook Device	PF2SEF3Y	111321	X7311458	No
12/8/2023	Computer	Chromebook Device	PF2SE4VB	109392	X7307873	No
12/8/2023	Computer	Chromebook Device	PF2S2LL9	109835	X7306927	No
12/8/2023	Computer	Chromebook Device	PF2RX69W	114567	X7315135	No
12/8/2023	Computer	Chromebook Device	PF2SDDEA	106447	X 7309962	No
12/8/2023	Computer	Chromebook Device	PF2S0B59	114658	X7315166	No
12/8/2023	Computer	Chromebook Device	PF2QEQQM	115342	X 7316052	No
12/8/2023	Computer	Chromebook Device	PF2RJHY0	114735	X7315233	No
12/8/2023	Computer	Chromebook Device	PF2RL0XA	110115	X7306711	No
12/8/2023	Computer	Chromebook Device	PF2RXTGL	94440	R0005842	No
12/8/2023	Computer	Chromebook Device	p20891qb	85269	X7290480	No
12/8/2023	Computer	Chromebook Device	PF2S04L5	109352	x 7307852	No
12/8/2023	Computer	Chromebook Device	PF2SF49K	97781	X7318148	No
12/8/2023	Computer	Chromebook Device	P2080FEH	84851	X 7293174	No
12/8/2023	Computer	Chromebook Device	p207zykl	84459	X7293538	No
12/8/2023	Computer	Chromebook Device	PF2SF49K	97781	X7318148	No
12/8/2023	Computer	Chromebook Device	PF2RYLAP	114343	X7314893	No
12/8/2023	Computer	Chromebook Device	p206e1fqp2n0b980900e	80367	X7273353	No
12/8/2023	Computer	Chromebook Device	PF2RZLQN	114796	X7315346	No
12/8/2023	Computer	Chromebook Device	PF2SF6PJ	113701	X7314210	No
12/8/2023	Computer	Chromebook Device	p2080029	70524	X7288457	No
12/8/2023	Computer	Chromebook Device	6zlj7l2	60311		No
12/8/2023	Computer	Chromebook Device	p2080028	84339	X7288028	No
12/8/2023	Computer	Chromebook Device	p207zv5e	70763	X7292977	No
12/8/2023	Computer	Chromebook Device	p207zybb	84301	X7288310	No
12/8/2023	Computer	Chromebook Device	p206edjhp2n0b980900e	80060	X7275516	No
12/8/2023	Computer	Chromebook Device	CJWRW33	88985	X7325287	No
12/8/2023	Computer	Chromebook Device	P201wpue	60917	X7276973	No
12/8/2023	Computer	Chromebook Device	PF2S2A4K	114670	X7315222	No
12/8/2023	Computer	Chromebook Device	PF2SGLRJ	106695	X7306043	No
12/8/2023	Computer	Chromebook Device	1D57Q73	90326	X7303850	No
12/8/2023	Computer	Chromebook Device	2YW8Q73	X7303859	90335	No
12/8/2023	Computer	Chromebook Device	3KJX733	83215	X7324825	No

Date	Description	Model	Service Tag/Serial Number	CVUSD Asset Number	Destiny Asset Number	Good Working Condition
12/8/2023	Computer	Chromebook Device	grqbnf2	75986	X7324777	No
12/8/2023	Computer	Chromebook Device	1FGZ733	83236	X7324709	No
12/8/2023	Computer	Chromebook Device	2N30633	83234	X7324665	No
12/8/2023	Computer	Chromebook Device	9TS1633	83214	X7324729	No
12/8/2023	Computer	Chromebook Device	224Z733	83199	X7324660	No
12/8/2023	Computer	Chromebook Device	p207zt31	69554	X7288910	No
12/8/2023	Computer	Chromebook Device	p207ztby		X7288330	No
12/8/2023	Computer	Chromebook Device	p2080d0g	85669	X7292260	No
12/8/2023	Computer	Chromebook Device	p207zzbs	69202	X7287976	No
12/8/2023	Computer	Chromebook Device	p207pjyb	68674	X7290696	No
12/8/2023	Computer	Chromebook Device	p207zs7w	70725	X7292888	No
12/8/2023	Computer	Chromebook Device	p2080ctm	85652	X 7292217	No
12/8/2023	Computer	Chromebook Device	p207ybj8	70694	X7292932	No
12/8/2023	Computer	Chromebook Device	p207zye5	69813	X7292703	No
12/8/2023	Computer	Chromebook Device	p207zjkq		X7292921	No
12/8/2023	Computer	Chromebook Device	p203xsdpp2n0b9110009	65905	R0001030	No
12/8/2023	Computer	Chromebook Device		80868	X7273541	No
12/8/2023	Computer	Chromebook Device	p208923h	85142	X7290353	No
12/8/2023	Computer	Chromebook Device	p207ztx1	69965	X7292530	No
12/8/2023	Computer	Chromebook Device	p207zy5n	69732	X7292717	No
12/8/2023	Computer	Chromebook Device	p206drpkp2n0b980900e	80875	X7273535	No
12/8/2023	Computer	Chromebook Device	p206drb3p2n0b980900e	79984	x 7275463	No
12/8/2023	Computer	Chromebook Device	p207zygp	69704		No
12/8/2023	Computer	Chromebook Device	p207zjkm	70699	X7292926	No
12/8/2023	Computer	Chromebook Device	p207zv69	84046		No
12/8/2023	Computer	Chromebook Device	p2080d2a	85733	X7292298	No
12/8/2023	Computer	Chromebook Device	p207zjm8	70653	X7292931	No
12/8/2023	Computer	Chromebook Device	p206dry6p2n0b980900e	72804	X7273767	No
12/8/2023	Computer	Chromebook Device	p207pcgc	68622	X7290718	No
12/8/2023	Computer	Chromebook Device	p207pbdn	68645	X7290775	No
12/8/2023	Computer	Chromebook Device	p207zjqe	70656	X7293012	No
12/8/2023	Computer	Chromebook Device	p206e1r5p2n0b980900e	80914	X7273926	No
12/8/2023	Computer	Chromebook Device	p206dr77p2n0b980900e	80937	X7323889	No
12/8/2023	Computer	Chromebook Device	p207pjzg	68671		No
12/8/2023	Computer	Chromebook Device	p207pcr2	68700	X 7290740	No
12/8/2023	Computer	Chromebook Device	p2080evt	85775	X7292310	No
12/8/2023	Computer	Chromebook Device	p207zxxa	70803	X7292967	No
12/8/2023	Computer	Chromebook Device	p207zdbd	69755	X7292639	No
12/8/2023	Computer	Chromebook Device	p207zdbd	69755	X7292639	No
12/8/2023	Computer	Chromebook Device	p2080cz2	85781	X7292318	No
12/8/2023	Computer	Chromebook Device	p2080d70	70015	X7292563	No
12/8/2023	Computer	Chromebook Device	p2080fws	69948	X7294092	No
12/8/2023	Computer	Chromebook Device	p208002p	69277	X7287705	No
12/8/2023	Computer	Chromebook Device	p207zvsk	69991	X7292495	No
12/8/2023	Computer	Chromebook Device	p207pcka	68725	X7290755	No
12/8/2023	Computer	Chromebook Device	p207y9q1	69625	X7292890	No
12/8/2023	Computer	Chromebook Device	P206dr4g	80833	X7273738	No
12/8/2023	Computer	Chromebook Device	p207zyar	69819	X7292579	No
12/8/2023	Computer	Chromebook Device	p2081ej4	85656	X7292214	No
12/8/2023	Computer	Chromebook Device	p207zv60	70798	X7292971	No

Date	Description	Model	Service Tag/Serial Number	CVUSD Asset Number	Destiny Asset Number	Good Working Condition
12/8/2023	Computer	Chromebook Device	p206drk6	72822	X7273764	No
12/8/2023	Computer	Chromebook Device		80697	X7273635	No
12/8/2023	Computer	Chromebook Device	8WP2Q73	90609	X7324960	No
12/8/2023	Computer	Chromebook Device	p207zd5j	70782	X7292969	No
12/8/2023	Computer	Chromebook Device	p206drf9p2n0b980900e	79977	X7275455	No
12/8/2023	Computer	Chromebook Device	p207y9l6	69674	X7292592	No
12/8/2023	Computer	Chromebook Device	PF2QY3XN	95655		No
12/8/2023	Computer	Chromebook Device		70591		No
12/8/2023	Computer	Chromebook Device	p2080f68	69972	X7292527	No
12/8/2023	Computer	Chromebook Device	p207zyfc	69832	X7292571	No
12/8/2023	Computer	Chromebook Device	p207zvfj	70789	X7292946	No
12/8/2023	Computer	Chromebook Device	p2081ed8	85825	X7292387	No
12/8/2023	Computer	Chromebook Device	p207zsexp	69116	X7287942	No
12/8/2023	Computer	Chromebook Device	p207ztnj	X7292980	70795	No
12/8/2023	Computer	Chromebook Device	p2080dt5	85658	X7292213	No
12/8/2023	Computer	Chromebook Device	p2081el6	85854	X7292436	No
12/8/2023	Computer	Chromebook Device	p207yak4	69624	X7292898	No
12/8/2023	Computer	Chromebook Device	p206e138p2n0b980900e	80960	X7273568	No
12/8/2023	Computer	Chromebook Device	p2081g1y	85831	X7292393	No
12/8/2023	Computer	Chromebook Device	p203xpd1p2n0b9110009	65920	R0001026	No
12/8/2023	Computer	Chromebook Device	p2080db6	84120	X7288079	No
12/8/2023	Computer	Chromebook Device	p2080dmc	85697	X7292236	No
12/8/2023	Computer	Chromebook Device	P206drq5	72866	X7273793	No
12/8/2023	Computer	Chromebook Device	p206e1re	80969	X7273563	No
12/8/2023	Computer	Chromebook Device	p2081g97	85859	X7292445	No
12/8/2023	Computer	Chromebook Device	p207zy0s	83615	X7294009	No
12/8/2023	Computer	Chromebook Device	p207zyjj			No
12/8/2023	Computer	Chromebook Device	p207pchk	68678		No
12/8/2023	Computer	Chromebook Device	p203zaylp2n0b9302003	74293	X7273700	No
12/8/2023	Computer	Chromebook Device	p206e152p2n0b980900e	80957	X7273578	No
12/8/2023	Computer	Chromebook Device	p206drv2p2n0b980900e	78992	7282659	No
12/8/2023	Computer	Chromebook Device	p203xthep2n0b9110009	R0001019	R0001019	No
12/8/2023	Computer	Chromebook Device	p2080fk9	69926	X7292858	No
12/8/2023	Computer	Chromebook Device	p207zjyk	70654	X7293000	No
12/8/2023	Computer	Chromebook Device	p207zs9e	70746	X7292918	No
12/8/2023	Computer	Chromebook Device	p2080d0l	85864	X7292459	No
12/8/2023	Computer	Chromebook Device	p207zy66	69858	X7292855	No
12/8/2023	Computer	Chromebook Device	p207bg2ep2n0b9b29001	73299	R0009151	No
12/8/2023	Computer	Chromebook Device	p2080dll	84252	X7288921	No
12/8/2023	Computer	Chromebook Device	p2081f64	X7292548	X7292548	No
12/8/2023	Computer	Chromebook Device	p207zjmn	69660	X7292606	No
12/8/2023	Computer	Chromebook Device	p206e15ap2n0b980900e	72876	X7273785	No
12/8/2023	Computer	Chromebook Device	p206e15ap2n0b980900e	72876	X7273785	No
12/8/2023	Computer	Chromebook Device	p206drsnp2n0b980900e	72805	X7273763	No
12/8/2023	Computer	Chromebook Device	p2080dmj	84043	X7292446	No
12/8/2023	Computer	Chromebook Device	p207pjt9	68680	X7290739	No
12/8/2023	Computer	Chromebook Device	8DMC733	83392	X7287874	No
12/8/2023	Computer	Chromebook Device	gnd7zm2	63300	X7268655	No
12/8/2023	Computer	Chromebook Device	c3l5vt2	75570	X7272844	No
12/8/2023	Computer	Chromebook Device	5VRF733	83451	83451	No

Date	Description	Model	Service Tag/Serial Number	CVUSD Asset Number	Destiny Asset Number	Good Working Condition
12/8/2023	Computer	Chromebook Device	JJQM373	89790	X7302800	No
12/8/2023	Computer	Chromebook Device	DHG6Q73	90076	90076	No
12/8/2023	Computer	Chromebook Device	G0R7Q73	90298	90298	No
12/8/2023	Computer	Chromebook Device	PF4C7D7E	R0010717	R0010717	No
12/8/2023	Computer	Chromebook Device	p207zv2r	X7290361	X7290361	No
12/8/2023	Computer	Chromebook Device	PF2SEH8Q	X 7315914	X 7315914	No
12/8/2023	Computer	Chromebook Device	PF2RXQ8D	114341	X7314896	No
12/8/2023	Computer	Chromebook Device	PF2RKHRS	115666	X7316195	No
12/8/2023	Computer	Chromebook Device	PF2SEF7T	114055	X7314640	No
12/8/2023	Computer	Chromebook Device	PF2SBL7	113981	X7314522	No
12/8/2023	Computer	Chromebook Device	PF2RYYD0	114862	X7315462	No
12/8/2023	Computer	Chromebook Device	PF2RZ7EM	108749	X7310755	No
12/8/2023	Computer	Chromebook Device	PF2QRWS2	96626	R0007386	No

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Gregory J. Stachura, Assistant Superintendent, Facilities, Planning and Operations
Martin Silveira, Director, Maintenance and Operations

SUBJECT: CHANGE ORDERS AND NOTICES OF COMPLETION FOR CUPCCAA PROJECTS

BACKGROUND

On May 9, 2013, the Board of Education adopted Resolution 2012/2013-71, Adoption of California Uniform Public Construction Cost Accounting Act (CUPCCAA). Per Public Contract Code 22030, the adoption of CUPCCAA allows the use of alternate bidding procedures for projects under \$175,000.00, while still ensuring the District receives the lowest pricing possible from responsible vendors and contractors. Utilizing CUPCCAA, the District has completed the projects listed below.

CUPCCAA Project	Project Description	Contractor	Original Quotation	Change Order	Total	Fund Source	Completion Date
CC2024-20	Canyon Hills JHS & Don Lugo HS	Dust Collector Services, Inc.	\$16,825.00	N/A	\$16,825.00	01	January 2, 2024
CC2024-57	Cattle ES, Hidden Trails ES, Cal Aero K-8, Townsend JHS, Ayala HS Irrigation Repairs	Hernandez Landscape Co, Inc.	\$24,200.00	N/A	\$24,200.00	01	January 10, 2024
CC2024-64	Buena Vista HS Painting Project	AM Painting, Inc. DBA AM Contractors, Inc.	\$57,650.00	N/A	\$57,650.00	01	January 10, 2024
CC2024-65	Don Lugo HS Athletic Field Repair	Innovation Kurbs Landscape Designs, Inc.	\$22,758.00	N/A	\$22,758.00	01	January 4, 2024

CUPCCA Project	Project Description	Contractor	Original Quotation	Change Order	Total	Fund Source	Completion Date
CC2024-69	Chino Valley Unified Pathways-Briggs	Jolt Electric, Inc	\$15,950.00	N/A	\$15,950.00	01	January 10, 2024
CC2024-71	Eagle Canyon ES Landscape Soil Preparation	Nextgen Construction, Inc.	\$24,900.00	N/A	\$24,900.00	01	January 10, 2024

Documentation indicating satisfactory completion and compliance with specifications has been obtained from the following individuals: Carlos Camarena, Maintenance Supervisor, Jonathan Campbell, Maintenance Supervisor, Alex Rivera, Maintenance Supervisor; and Martin Silveira, Director, Maintenance and Operations.

Staff recommends approval of the Change Orders and Notices of Completion for these projects.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the Change Orders and Notices of Completion for CUPCCAA Projects.

FISCAL IMPACT

\$162,283.00 to General Fund 01

NE:GJS:MS:cb

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Gregory J. Stachura, Assistant Superintendent, Facilities, Planning
and Operations
Kathy Casino, Director, Purchasing

**SUBJECT: RESOLUTIONS 2023/2024-34, 2023/2024-35, and 2023/2024-36,
AUTHORIZATION TO UTILIZE PIGGYBACK CONTRACTS**

=====

BACKGROUND

Public Contract Code (PCC) 20111 requires school district governing boards to competitively bid and award any contracts involving an expenditure of more than \$114,500.00 to the lowest responsible bidder.

Notwithstanding, PCC 20111, PCC 20118 and Administrative Regulation 3311 state that without advertising for bids and upon a determination that it is in the best interest of the District, the Board may authorize District staff by contract, lease, requisition, or purchase order of another public corporation or agency, to lease data-processing equipment, or to purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property for the District in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor (piggyback).

Alternatively, if there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of personal property, the District may authorize the lease or purchase of personal property directly to the vendor under the same terms that are available to the public corporation or agency under the contract.

Staff requests approval of the following resolutions to provide authorization for the District to participate by piggyback in contracts as itemized below:

Resolution	Contract	Contractor(s)	Description	Term
2023/2024-34	California Multiple Award Schedule (CMAS) 3-23-04-1025	ConvergeOne, Inc.	Information Technology Goods and Services	4/13/2023-12/31/2025
2023/2024-35	Waterford Unified School District Bid #01/22 School Bus(es)	A-Z Bus Sales	School Buses	11/3/2021-6/30/2024

Resolution	Contract	Contractor(s)	Description	Term
2023/2024-36	California Multiple Award Schedule (CMAS) 4-20-00-0085C	Mohawk Commercial, Inc.	Floor Coverings	2/11/2020-10/11/2024

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education adopt Resolutions 2023/2024-34, 2023/2024-35, and 2023/2024-36, Authorization to Utilize Piggyback Contracts.

FISCAL IMPACT

Unknown.

NE:GJS:KC:cb

**Chino Valley Unified School District
Resolution 2023/2024-34
Authorization to Utilize the California Multiple Award Schedule (CMAS)
3-23-04-1025 with Converge One, Inc.,
to Purchase Information Technology Goods and Services
Through the Piggyback Contract**

WHEREAS, the Board of Education (Board) of the Chino Valley Unified School District (District) has determined that a true and very real need exists to procure information technology goods and services for the District; and

WHEREAS, CMAS currently has a piggyback contract, 3-23-04-1025, in accordance with Public Contract Code 20118 with Converge One, Inc., that contains the materials, supplies, equipment and/or other personal property the District currently requires; and

WHEREAS, the board of education of a school district, without advertising for bids if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order of any public corporation or agency, including any county, city, town, or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases from a vendor; and

WHEREAS, the board of education of a school district is required to make a determination that a purchase and/or lease through a public corporation or agency is in the best interests of the district to take advantage of this exception; and

WHEREAS, the Board has determined that it is in the best interest of the District to authorize the purchase of information technology goods and services through the piggyback contract procured by the CMAS 3-23-04-1025.

NOW, THEREFORE BE IT RESOLVED the Board hereby finds, determines, and declares as follows:

Section 1. Recitals. All of the recitals set forth above are true and correct.

Section 2. Purchase through Other Public Agency. Pursuant to Public Contract Code 20118, that authorizing the purchase of information technology goods and services through the piggyback contract originally procured by the CMAS 3-23-04-1025 is in the best interest of the District because there is volume pricing that can be used to reduce the District's overall price.

Section 3. Authorization. The Board hereby authorizes the acquisition of information technology goods and services in accordance with Public Contract Code 20118 through the piggyback contract originally procured by the CMAS 3-23-04-1025.

Section 4. Other Actions. The Superintendent or his designee are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the purchase, sale, and lease, and otherwise to carry out, give effect to and

comply with the terms and intent of this Resolution, and that any and all such prior actions by the District's Superintendent, or his designee, are hereby ratified by the Board.

Section 5. Effective Date. This resolution shall be effective as of April 13, 2023, for the term ending December 31, 2025.

APPROVED, PASSED, AND ADOPTED by the Board of Education of the Chino Valley Unified School District this 1st day of February 2024 by the following vote:

Bridge	_____
Cruz	_____
Monroe	_____
Na	_____
Shaw	_____

I, Norm Enfield, Ed.D., Secretary of the Chino Valley Unified School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in the office of said Board.

Norm Enfield, Ed.D., Superintendent
Secretary, Board of Education

**Chino Valley Unified School District
Resolution 2023/2024-35
Authorization to Utilize the Waterford Unified School District Bid #01/22
School Bus(es) With A-Z Bus Sales
to Purchase School Buses
Through the Piggyback Contract**

WHEREAS, the Board of Education (Board) of the Chino Valley Unified School District (District) has determined that a true and very real need exists to procure school buses for the District;

WHEREAS, Waterford Unified School District currently has a piggyback contract, Bid #01/22 School Bus(es), in accordance with Public Contract Code 20118 with A-Z Bus Sales, that contains the materials, supplies, equipment and/or other personal property the District currently requires;

WHEREAS, the board of education of a school district, without advertising for bids if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order of any public corporation or agency, including any county, city, town, or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases from a vendor;

WHEREAS, the board of education of a school district is required to make a determination that a purchase and/or lease through a public corporation or agency is in the best interests of the district to take advantage of this exception; and

WHEREAS, the Board has determined that it is in the best interest of the District to authorize the purchase of school buses through the piggyback contract procured by the Waterford Unified School District Bid #01/22 School Bus(es).

NOW, THEREFORE, BE IT RESOLVED the Board hereby finds, determines, and declares as follows:

Section 1. Determination re: Recitals. All of the recitals set forth above are true and correct.

Section 2. Determination re: Purchase through Other Public Agency. Pursuant to Public Contract Code 20118, that authorizing the purchase of school buses through the piggyback contract originally procured by the Waterford Unified School District Bid #01/22 School Bus(es) is in the best interests of the District because there is volume pricing that can be used to reduce the District's overall price.

Section 3. Authorization. The Board hereby authorizes the acquisition of school buses in accordance with Public Contract Code 20118 through the piggyback contract originally procured by the Waterford Unified School District Bid #01/22 School Bus(es).

Section 4. Other Actions. The Superintendent or his designee are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and

deliver any and all documents which they may deem necessary or advisable in order to consummate the purchase, sale, and lease, and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, and that any and all such prior actions by the District's Superintendent, or his designee, are hereby ratified by the Board.

Section 5. Effective Date. This resolution shall be effective as of November 3, 2021, for the term ending June 30, 2024.

APPROVED, PASSED, AND ADOPTED by the Board of Education of the Chino Valley Unified School District this 1st day of February 2024 by the following vote:

Bridge	_____
Cruz	_____
Monroe	_____
Na	_____
Shaw	_____

I, Norm Enfield, Ed.D., Secretary of the Chino Valley Unified School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in the office of said Board.

Norm Enfield, Ed.D., Superintendent
Secretary, Board of Education

**Chino Valley Unified School District
Resolution 2023/2024-36
Authorization to Utilize the California Multiple Award Schedule (CMAS)
4-20-00-0085 with Mohawk Commercial, Inc.,
to Purchase Non-Information Technology Commodities
Through the Piggyback Contract**

WHEREAS, the Board of Education (Board) of the Chino Valley Unified School District (District) has determined that a true and very real need exists to procure non-information technology commodities for the District; and

WHEREAS, CMAS currently has a piggyback contract, 4-20-00-0085C, in accordance with Public Contract Code 20118 with Mohawk Commercial, Inc., that contains the materials, supplies, equipment and/or other personal property the District currently requires; and

WHEREAS, the board of education of a school district, without advertising for bids if the board has determined it to be in the best interests of the district, may authorize by contract, lease, requisition, or purchase order of any public corporation or agency, including any county, city, town, or district, to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner in which the public corporation or agency is authorized by law to make the leases or purchases from a vendor; and

WHEREAS, the board of education of a school district is required to make a determination that a purchase and/or lease through a public corporation or agency is in the best interests of the district to take advantage of this exception; and

WHEREAS, the Board has determined that it is in the best interest of the District to authorize the purchase of non-information commodities through the piggyback contract procured by the CMAS 4-20-00-0085C.

NOW, THEREFORE BE IT RESOLVED the Board hereby finds, determines, and declares as follows:

Section 1. Recitals. All of the recitals set forth above are true and correct.

Section 2. Purchase through Other Public Agency. Pursuant to Public Contract Code 20118, that authorizing the purchase of non-information technology commodities through the piggyback contract originally procured by the CMAS 4-20-00-0085C is in the best interest of the District because there is volume pricing that can be used to reduce the District's overall price.

Section 3. Authorization. The Board hereby authorizes the acquisition of non-information commodities in accordance with Public Contract Code 20118 through the piggyback contract originally procured by the CMAS 4-20-00-0085.

Section 4. Other Actions. The Superintendent or his designee are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to

consummate the purchase, sale, and lease, and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, and that any and all such prior actions by the District's Superintendent, or his designee, are hereby ratified by the Board.

Section 5. Effective Date. This resolution shall be effective as of February 11, 2020, for the term ending October 11, 2024.

APPROVED, PASSED, AND ADOPTED by the Board of Education of the Chino Valley Unified School District this 1st day of February 2024 by the following vote:

Bridge	_____
Cruz	_____
Monroe	_____
Na	_____
Shaw	_____

I, Norm Enfield, Ed.D., Secretary of the Chino Valley Unified School District Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in the office of said Board.

Norm Enfield, Ed.D., Superintendent
Secretary, Board of Education

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Gregory J. Stachura, Assistant Superintendent, Facilities, Planning and Operations

**SUBJECT: CHANGE ORDER AND NOTICE OF COMPLETION FOR
BID NO. 22-23-01F, AYALA HS - ALTERATIONS PHASE 4 BLDGS. A,
G, J, BP 09-03**

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BACKGROUND

On July 21, 2022, the Board of Education awarded Bid No. 22-23-01F, Ayala HS- Alterations Phase 4 Bldgs. A, G, J, BP 09-03, to Elijay Acoustics. During the course of construction, modifications to the original approved plans are made due to unforeseen conditions, revisions, or amended project scope. The following change order has been reviewed and recommended for approval by District staff.

Change Order	Contractor	Amount
1	Elijay Acoustics	(\$35,000.00)
Bid Amount:		\$201,470.00
Revised Total Project Amount:		\$166,470.00
Retention Amount:		\$8,323.50

The change order resulted in a net decrease of \$35,000.00 to the construction cost and no days added to the contract time. Approval of the change order allows for compensation to the contractor to perform the additional work as described. All contracted work was completed on October 17, 2023.

Documentation indicating satisfactory completion and compliance with specifications has been obtained from the following individuals: Bob Lavey, PBK Architects; Hung Truong, CW Driver Construction Manager; John Michael, DSA Inspector of Record; Sam Sousa, Construction Coordinator; Beverly Beemer, Director, Planning; and Gregory Stachura, Assistant Superintendent, Facilities, Planning and Operations.

Staff recommends the approval of the Change Order and Notice of Completion for this bid. The final retention payment of 5% of the value of work done under this contract shall be made 35 days after the Notice of Completion is recorded with the County Recorder.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS – Alterations Phase 4 Bldgs. A, G, J, BP 09-03.

FISCAL IMPACT

(\$35,000.00) to Measure G Fund 21.

NE:GJS:cb



Chino Valley Unified School District
Facilities, Planning, and Operations Division

NOTIFICATION OF PROJECT COMPLETION

Purchase Order # 231954 240842

BID/RFP # 22-23-01F ✓

CUPCCAA# N/A

CUPCCAA BID # N/A

AMOUNT

BID AMOUNT	\$201,470.00	✓
CHANGE ORDER #:	\$-35,000.00	✓
TOTAL:	\$166,470.00	✓

PROJECT DESCRIPTION Ayala High School – Alteration Phase 4 Bldgs. A, G, J ✓

This is to verify that work has been completed at: Ayala High School
14255 Peyton Dr, Chino Hills, CA 91709

by Elljay Acoustics (BP 09-03 Acoustical Wall & Ceiling Systems) ✓ on 10/17/2023
Site(s)

and the Notice of Completion can now be submitted to the Board of Education for approval.

John Michael
Knowland Construction Services
DSA Inspector of Record (if applicable)

DocuSigned by:

6A4504017F574D3...
Signature

01/02/2024 | 18:49 PST

Date

Bob Lavey
PBK WLC Architects
Architect / Engineer (if applicable)

DocuSigned by:

2FAD4A0D5AF04C5...
Signature

01/03/2024 | 09:25 PST

Date

Hung Truong
CW Driver
Construction/Sr. Project Manager

DocuSigned by:

DB919CAC3A0446B...
Signature

01/02/2024 | 22:45 PST

Date

Authorized Department Head (if applicable)

Signature

Date

Director, Technology (if applicable)

Signature

Date

Samuel Sousa
CVUSD Project Manager

Signature

Date

_____ Director, Maintenance, Operations & Construction (if applicable)	_____ Signature	_____ Date
Beverly Beemer _____ Director, Planning (if applicable)	 _____ Signature	1/12/2024 _____ Date
Greg Stachura _____ Owner (Authorized Agent)	 _____ Signature	1/12/24 _____ Date

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Gregory J. Stachura, Assistant Superintendent, Facilities, Planning and Operations

**SUBJECT: CHANGE ORDER AND NOTICE OF COMPLETION FOR
BID NO. 22-23-01F, AYALA HS - ALTERATIONS PHASE 4 BLDGS. A,
G, J, BP 09-05**

=====

BACKGROUND

On July 21, 2022, the Board of Education awarded Bid No. 22-23-01F, Ayala HS- Alterations Phase 4 Bldgs. A, G, J, BP 09-05, to D&M Painting, Inc. During the course of construction, modifications to the original approved plans are made due to unforeseen conditions, revisions, or amended project scope. The following change order has been reviewed and recommended for approval by District staff.

Change Order	Contractor	Amount
1	D&M Painting	(\$34,297.00)
Bid Amount:		\$212,000.00
Revised Total Project Amount:		\$177,703.00
Retention Amount:		\$8,885.15

The change order resulted in a net decrease of \$34,297.00 to the construction cost and no days added to the contract time. Approval of the change order allows for compensation to the contractor to perform the additional work as described. All contracted work was completed on October 17, 2023.

Documentation indicating satisfactory completion and compliance with specifications has been obtained from the following individuals: Bob Lavey, PBK Architects; Hung Truong, CW Driver Construction Manager; John Michael, DSA Inspector of Record; Sam Sousa, Construction Coordinator; Beverly Beemer, Director, Planning; and Gregory Stachura, Assistant Superintendent, Facilities, Planning and Operations.

Staff recommends the approval of the Change Order and Notice of Completion for this bid. The final retention payment of 5% of the value of work done under this contract shall be made 35 days after the Notice of Completion is recorded with the County Recorder.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve the Change Order and Notice of Completion for Bid No. 22-23-01F, Ayala HS – Alterations Phase 4 Bldgs. A, G, J, BP 09-05.

FISCAL IMPACT

(\$34,297.00) to Measure G Fund 21.

NE:GJS:cb



Chino Valley Unified School District
Facilities, Planning, and Operations Division

NOTIFICATION OF PROJECT COMPLETION

Purchase Order # 231953 240841

BID/RFP # 22-23-01F ✓

CUPCCAA# N/A

CUPCCAA BID # N/A

JAN 12 AM 10:14
FACILITIES & PLANNING

AMOUNT

BID AMOUNT	\$212,000.00	✓
CHANGE ORDER #:	\$-34,297.00	✓
TOTAL:	\$177,703.00	✓

PROJECT DESCRIPTION Ayala High School – Alteration Phase 4 Bldgs. A, G, J

This is to verify that work has been completed at: Ayala High School
14255 Peyton Dr, Chino Hills, CA 91709
Site(s)
 by D&M Painting Inc. (BP 09-05 Painting & Wall Covering) on 10/17/2023

and the Notice of Completion can now be submitted to the Board of Education for approval.

John Michael
Knowland Construction Services
DSA Inspector of Record (if applicable)

DocuSigned by:
John Michael
6A4504017F574D3...
Signature

01/04/2024 | 12:47 PST
Date

Bob Lavey
PBK WLC Architects
Architect / Engineer (if applicable)

DocuSigned by:
Bob Lavey
2FAD4A0D5AF04C5...
Signature

01/08/2024 | 16:26 PST
Date

Hung Truong
CW Driver
Construction/Sr. Project Manager

DocuSigned by:
Hung Truong
DB919CAC3A0446B...
Signature

01/04/2024 | 13:05 PST
Date

Authorized Department Head (if applicable)

Signature

Date

Director, Technology (if applicable)

Signature

Date

Samuel Sousa
CVUSD Project Manager

Signature

Date

Director, Maintenance, Operations &
Construction (if applicable)

Signature

Date

Beverly Beemer
Director, Planning (if applicable)

Signature

Date

Greg Stachura
Owner (Authorized Agent)

Signature

Date

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

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Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Lea Fellows, Associate Superintendent, Human Resources
Joseph Durkin, Director, Human Resources
Jaime Ortega, Director, Human Resources

SUBJECT: CERTIFICATED/CLASSIFIED PERSONNEL ITEMS

=====

BACKGROUND

Board approval of personnel transactions is required by Board Bylaw 9324 Bylaws of the Board - Minutes and Recordings and Education Code 35163. Included are new hires based on need, which includes replacements, growth, and/or class size reduction.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education approve/ratify the certificated/classified personnel items.

FISCAL IMPACT

All personnel assignments are within the approved staffing ratio for the appropriate school year budget.

NE:LF:JD:JO:jw

CERTIFICATED PERSONNEL

<u>NAME</u>	<u>POSITION</u>	<u>LOCATION</u>	<u>EFFECTIVE DATE</u>
--------------------	------------------------	------------------------	------------------------------

CERTIFICATED SALARY SCHEDULE AND APPROPRIATE CREDENTIAL FOR THE 2023/2024 SCHOOL YEAR**APPOINTMENT**

NUNEZ-QUINTRELL, Stefanie	SAI Teacher	Special Education	02/02/2024
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APPOINTMENT - EXTRA DUTY

LEE, Timothy	Girls Basketball (GF)	Woodcrest JHS	02/02/2024
MORRIS, Alexis	Girls Basketball (GF)	Woodcrest JHS	02/02/2024
ALAS, Cody (NBM)	Soccer (B)	Chino HS	02/02/2024
OLDENBURG, Matthew (NBM)	Basketball (B)	Chino HS	02/02/2024
FINT, Andrew	Baseball (GF)	Chino Hills HS	02/02/2024
MATSAMURA, Nikolas (NBM)	Band (B)	Chino Hills HS	02/02/2024
WU, Jessie (NBM)	Badminton (B)	Chino Hills HS	02/02/2024
VASQUEZ, Sienna (NBM)	Softball (B)	Don Lugo HS	02/02/2024

TOTAL: \$5,549.00

RESIGNATION

MURARIK, Peter	Special Education Teacher	Walnut ES	01/24/2024
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CLASSIFIED PERSONNEL

<u>NAME</u>	<u>POSITION</u>	<u>LOCATION</u>	<u>EFFECTIVE DATE</u>
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HIRED AT THE APPROPRIATE PLACEMENT ON THE CLASSIFIED SALARY SCHEDULE**APPOINTMENT**

ALVARADO, Eva	Paraprofessional I (SELPA/GF)	Townsend JHS	02/02/2024
NUNEZ, Imelda	Paraprofessional I (SELPA/GF)	Townsend JHS	02/02/2024
MARTINEZ, Vanessa	Playground Supervisor (GF)	Woodcrest JHS	02/02/2024
CALDERON, Isaiah	Custodian I (GF)	Don Lugo HS	02/02/2024
OTHMAN, Othman	Nutrition Services Manager Rover (NS)	Nutrition Services	02/02/2024

PROMOTION

FERNANDEZ, Solana	FROM: Typist Clerk II (GF) 8 hrs./201 work days TO: School Secretary I (GF) 8 hrs./215 work days	Cattle ES Cattle ES	02/02/2024
LESURE, Toinyetta	FROM: Nutrition Services Professional (NS) 3 hrs./181 work days TO: Nutrition Services Manager Rover (NS) 6 hrs./181 work days	Cortez ES Nutrition Services	02/02/2024

ADDITIONAL ASSIGNMENT

YOUNG, Shirley	Nutrition Services Professional (NS)	Glenmeade ES	02/07/2024
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RELEASE OF PROBATIONARY EMPLOYEE WITHOUT PREJUDICE

Employee 29690			01/18/2024
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RESIGNATION

LANTER, Nicole	School Secretary I (GF)	Newman ES	02/29/2024
WENDLING, Kathlyn	Nutrition Services Professional (NS)	Wickman ES	01/10/2024
GARCIA, Nicole	Paraprofessional I (SELPA/GF)	Don Lugo HS	01/19/2024

(504)	= Federal Law for Individuals with Handicaps	(MH)	= Mental Health – Special Ed.
(ABG)	= Adult Education Block Grant	(NBM)	= Non-Bargaining Member
(ASB)	= Associated Student Body	(ND)	= Neglected and Delinquent
(ASF)	= Adult School Funded	(NS)	= Nutrition Services Budget
(ATE)	= Alternative to Expulsion	(OPPR)	= Opportunity Program
(B)	= Booster Club	(PFA)	= Parent Faculty Association
(BTSA)	= Beginning Teacher Support & Assessment	(R)	= Restricted
(C)	= Categorically Funded	(ROP)	= Regional Occupation Program
(CDF)	= Child Development Fund	(SAT)	= Saturday School
(CVLA)	= Chino Valley Learning Academy	(SB813)	= Medi-Cal Admin. Activities Entity Fund
(CWY)	= Cal Works Youth	(SELPA)	= Special Education Local Plan Area
(E-rate)	= Discount Reimbursements for Telecom.	(SOAR)	= Students on a Rise
(G)	= Grant Funded	(SPEC)	= Spectrum Schools
(GF)	= General Fund	(SS)	= Summer School
(HBE)	= Home Base Education	(SWAS)	= School within a School
(MAA)	= Medi-Cal Administrative Activities	(VA)	= Virtual Academy
(MG)	= Measure G – Fund 21	(WIA)	= Workforce Investment Act

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Lea Fellows, Associate Superintendent, Human Resources
Whitney Fields, Director, Risk Management and Human Resources

SUBJECT: REJECTION OF CLAIM

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BACKGROUND

Claim 24.01.01 was submitted on January 8, 2024, from Robert Ryan, Attorney, on behalf of Christian A. Salinas, a student at Ayala HS. Claimant alleges vehicle damage and personal injury after a District employee, driving a District vehicle collided with his vehicle. Claimant seeks unspecified damages and seeks a settlement demand that lies within the jurisdiction of the Superior Court.

The Board is requested to reject claims against the District to allow insurance carriers to investigate the claims and make recommendations regarding the dispositions.

Approval of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education reject the claim and refer it to the District's insurance adjuster.

FISCAL IMPACT

Unknown at present.

NE:LF:WF:lag

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Our Motto:

Student Achievement • Safe Schools • Positive School Climate
Humility • Civility • Service

DATE: February 1, 2024

TO: Members, Board of Education

FROM: Norm Enfield, Ed.D., Superintendent

PREPARED BY: Sandra H. Chen, Associate Superintendent, Business Services
Gregory J. Stachura, Assistant Superintendent, Facilities, Planning,
and Operations

**SUBJECT: RESOLUTION 2023/2024-33 OF THE BOARD OF EDUCATION OF
THE CHINO VALLEY UNIFIED SCHOOL DISTRICT OF THE
COUNTY OF SAN BERNARDINO, CALIFORNIA, AUTHORIZING
THE ISSUANCE AND SALE OF ITS GENERAL OBLIGATION
BONDS, ELECTION OF 2016, SERIES 2024D, IN AN
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED
\$143,500,133.25, AND APPROVING CERTAIN OTHER MATTERS
RELATING TO SAID BONDS**

=====

BACKGROUND

An election was held in the Chino Valley Unified School District (the “District”) on November 8, 2016, to authorize the issuance and sale of general obligation bonds of the District for various purposes in the maximum amount of \$750,000,000 (“Measure G”). The District has previously issued three series of general obligation bonds under Measure G in the principal amounts of \$208,000,000, \$258,000,000, and \$140,499,866.75 respectively. The District now desires to issue its fourth series of bonds under Measure G in a principal amount not-to-exceed \$143,500,133.25 (the “Bonds”). The District proposes that the issuance of Bonds include current interest bonds, as well as capital appreciation bonds (i.e., bonds that allow for the compounding of interest). The Bonds are being authorized for sale for the purpose of providing funds to finance projects approved by Measure G and to pay the costs of issuing the Bonds.

Pursuant to Education Code Section 15146(b)(2), the Resolution and materials included in this agenda item must first be publicly noticed as an information item. At the Board’s *next* consecutive meeting, being the February 15, 2024 meeting, the attached Resolution and materials will be publicly noticed as an action item for consideration by the Board. (The Board will also consider a Resolution to refund/refinance outstanding general obligation bonds of the District in order to realize taxpayer savings at the next board meeting.)

(a) Bond Resolution. The Resolution authorizes the issuance of the Bonds, specifies the basic terms, parameters, and forms of the Bonds, and approves the form of Contract of Purchase and form of Preliminary Official Statement described below. In particular, Section 5 of the Resolution establishes the maximum aggregate initial principal amount of the Bonds to be issued (\$143,500,133.25). Section 5 of the Resolution states the maximum underwriter's discount (0.45%) with respect to the Bonds and the maximum legal interest rate on the Bonds and authorizes the Bonds to be sold at a negotiated sale to Stifel, Nicolaus & Company, Incorporated, as the underwriter (the "Underwriter").

(b) Form of Contract of Purchase. The Resolution approves the form of the Contract of Purchase. Pursuant to the Contract of Purchase, the Underwriter will agree to buy the Bonds from the District. All the conditions of closing the transaction are set forth in this document, including the documentation to be provided at the closing by various parties. Upon the pricing of the Bonds, the final execution copy of the Contract of Purchase will be prepared following this form.

(c) Form of Preliminary Official Statement. The Resolution approves the form of the Preliminary Official Statement (the "POS"). The POS is the offering document describing the Bonds which may be distributed to prospective purchasers of the Bonds. The POS discloses information with respect to among other things (i) the proposed uses of proceeds of the Bonds, (ii) the terms of the Bonds (including, for example, the interest rate and redemption terms), (iii) the bond insurance policy for the Bonds, if any, (iv) the security for repayment of the Bonds (the *ad valorem* property tax levy), (v) information with respect to the District's tax base (upon which such *ad valorem* property taxes may be levied), (vi) District financial and operating data, (vii) continuing disclosure with respect to the Bonds and the District, and (viii) the absence of material litigation and other miscellaneous matters expected to be of interest to prospective purchasers of the Bonds. Following the pricing of the Bonds, a final Official Statement for the Bonds will be prepared, substantially in the form of the POS.

(d) Form of the Continuing Disclosure Undertaking. The form of the Continuing Disclosure Undertaking can be found in APPENDIX D to the POS. In order for the underwriter to purchase and sell the District's bonds, the District must enter into an agreement where it covenants to annually file "material financial information and operating data" with respect to the District through the web-based Electronic Municipal Market Access ("EMMA") system maintained by the Municipal Securities Rulemaking Board (a federal agency that regulates "broker-dealers," including investment banking firms that underwrite municipal obligations). This requirement is expected to be satisfied by the filing of the District's audited financial statements and other operating information about the District, in the same manner the District has filed such information in connection with prior bond issuances. The purpose of the law is to provide investors in the Bonds with current information regarding the District.

(e) Requirements of Education Code Section 15146(b) and 15146(c). In satisfaction of Education Code Sections 15146(b) and 15146(c), appended to the Resolution is an information item ("EXHIBIT C") containing the following information provided by the District's Underwriter: approximations of the financing term of the Bonds; time of maturity of the Bonds; repayment ratio of the Bonds; estimated change

in assessed value of taxable property within the District over the term of the Bonds; an analysis containing the total overall cost of the capital appreciation bonds expected to be issued; a comparison between the overall cost of the capital appreciation bonds expected to be issued and the overall cost of current interest bonds; and the reason that capital appreciation bonds are being recommended.

Consideration of this item supports the goals identified within the District's Strategic Plan.

RECOMMENDATION

It is recommended the Board of Education receive for information, Resolution 2023/2024-33 of the Board of Education of the Chino Valley Unified School District of the County of San Bernardino, California, authorizing the issuance and sale of its general obligation bonds, Election of 2016, Series 2024D, in an aggregate principal amount not to exceed \$143,500,133.25, and approving certain other matters relating to said bonds.

FISCAL IMPACT

None.

NE:SHC:GJS:cb

**RESOLUTION 2023/2024-33 OF THE BOARD OF EDUCATION OF
THE CHINO VALLEY UNIFIED SCHOOL DISTRICT OF THE
COUNTY OF SAN BERNARDINO, CALIFORNIA, AUTHORIZING
THE ISSUANCE AND SALE OF ITS GENERAL OBLIGATION
BONDS, ELECTION OF 2016, SERIES 2024D, IN AN AGGREGATE
PRINCIPAL AMOUNT NOT TO EXCEED \$143,500,133.25, AND
APPROVING CERTAIN OTHER MATTERS RELATING TO SAID
BONDS**

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RESOLUTION 2023/2024-33 OF THE BOARD OF EDUCATION OF THE CHINO VALLEY UNIFIED SCHOOL DISTRICT OF THE COUNTY OF SAN BERNARDINO, CALIFORNIA AUTHORIZING THE ISSUANCE AND SALE OF ITS GENERAL OBLIGATION BONDS, ELECTION OF 2016, SERIES 2024D, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$143,500,133.25, AND APPROVING CERTAIN OTHER MATTERS RELATING TO SAID BONDS

WHEREAS, a duly called election was held in the Chino Valley Unified School District, a unified school district duly organized and existing under the laws of the State of California (the “**District**”), County of San Bernardino (the “**County**”), State of California, on November 8, 2016 (the “**Election**”), and thereafter canvassed pursuant to law; and

WHEREAS, at the Election, there was submitted to and approved by the requisite fifty-five percent (55%) vote of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for various purposes set forth in the ballot submitted to the voters, in the maximum aggregate principal amount of \$750,000,000 to finance the projects described in the proposition (“**Measure G**”) payable from the levy of an *ad valorem* property tax against the taxable property in the District (the “**Authorization**”); and

WHEREAS, in 2017, the Board of Education of the District (the “**Governing Board**”) approved the first issuance pursuant to the Authorization of \$208,000,000 aggregate initial principal amount of the District’s General Obligation Bonds, Election of 2016, Series 2017A; and

WHEREAS, in 2020, the Governing Board approved the second issuance pursuant to the Authorization of \$258,000,000 aggregate initial principal amount of the District’s General Obligation Bonds, Election of 2016, Series 2020B; and

WHEREAS, in 2022, the Governing Board approved the third issuance pursuant to the Authorization of \$140,499,866.75 aggregate initial principal amount of the District’s General Obligation Bonds, Election of 2016, Series 2022C; and

WHEREAS, pursuant to the Authorization, the Governing Board has now determined that the District has a requirement for the construction, improvement, furnishing and equipping of certain of its public facilities, as provided for in the Authorization (the “**Project**”) and desires to issue its General Obligation Bonds, Election of 2016, Series 2024D in an aggregate principal amount not to exceed \$143,500,133.25 (the “**Bonds**”), in one or more series or tranches on a federally taxable or tax-exempt basis and any combination of current interest bonds or capital appreciation bonds; and

WHEREAS, this Governing Board has determined that it is desirable to sell the Bonds pursuant to a negotiated sale to Stifel, Nicolaus & Company, Incorporated, as underwriter of the Bonds (the “**Underwriter**”) pursuant to a Contract of Purchase (as defined herein), a form of which has been submitted to this meeting of the Governing Board and is on file with the Clerk of the Governing Board (the “**Clerk**”); and

WHEREAS, a form of the preliminary official statement (the “**Preliminary Official Statement**”) relating to the Bonds has been submitted to this meeting of the Governing Board and is on file with the Clerk; and

WHEREAS, a form of continuing disclosure undertaking (the “**Continuing Disclosure Undertaking**”), attached as Appendix D to the Preliminary Official Statement, has been submitted to this meeting of the Governing Board and is on file with the Clerk; and

WHEREAS, this Governing Board desires that the County should levy and collect an *ad valorem* property tax on all taxable property within the District sufficient to provide for payment of the Bonds (with certain property subject to limitations), and intends by the adoption of this Resolution to notify the Board of Supervisors of the County, the Auditor-Controller/Treasurer-Tax Collector of the County (the “**Auditor-Controller**” or “**Treasurer**” as applicable) and other officials of the County that they should take such actions as shall be necessary to provide for the levy and collection of such tax and payment of the Bonds; and

WHEREAS, this Governing Board recognizes that California Senate Bill No. 222 (Chapter 78, Statutes of 2015) (“**SB 222**”) as codified in Section 15251 of the California Education Code (the “**Education Code**”) and commencing with Section 53515 of the California Government Code (the “**Government Code**”), provides that general obligation bonds of the District shall be secured by a statutory lien on all revenues received pursuant to the levy and collection of taxes levied to pay the bonds, when collected by the County, to secure repayment of bonds, effective January 1, 2016; and

WHEREAS, the pledge of tax revenues and grant of a lien thereon and security interest therein included in this Resolution to secure payment of the G.O. Bonds (as defined herein) is intended to be a consensual security agreement with the registered owners of the G.O. Bonds separate and apart from, and in addition to, any statutory lien on such revenues to which they are entitled; and

WHEREAS, Assembly Bill 182 (Chapter 477 of the 2013-2014 Session of the California Legislature) (“**AB 182**”) requires an analysis and comparison of any capital appreciation bonds that are proposed to be issued and a report meeting such requirements and the other requirements of AB 182, including disclosing the financing term and time of maturity of the Bonds, repayment ratio, and the estimated change in the assessed value of taxable property within the District over the term of the Bonds, has been presented to this Board and this Board confirms the reason for the issuance of capital appreciation bonds is to manage its tax levy restrictions under the provisions of Proposition 39, codified at Section 15270(a) of the Education Code and create a more level overall debt program; and

WHEREAS, Section 15146 of the Education Code further requires that this Board be presented with an analysis containing the total overall cost of any capital appreciation bonds that are proposed to be issued to the overall cost of current interest bonds, and the reason bonds that allow for the compounding of interest are being recommended, and this Board has been presented with such analysis; and

WHEREAS, in compliance with AB 182 the Municipal Securities Rulemaking Board Rule G-17 submissions of the Underwriter will be received by this Board prior to the sale of the Bonds; and

WHEREAS, in compliance with AB 182 this resolution was submitted at two consecutive meetings of this Governing Board; and

WHEREAS, Senate Bill 1029 (“**SB1029**”) was signed by the California Governor on September 12, 2016 and places additional responsibilities on any issuer of public debt, including adopting debt management policies that meet certain criteria; and

WHEREAS, the District represents that it will be in compliance with SB1029 pre-issuance requirements, the Bonds will be issued in compliance with the District’s debt management policy, and the District will comply with all post-issuance requirements of SB1029; and

WHEREAS, Senate Bill 450 (Chapter 625 of the 2017-2018 Session of the California Legislature) (“**SB 450**”) requires that the Governing Board obtain from an underwriter, financial advisor or private lender and disclose, prior to authorization of the issuance of bonds with a term of greater than 13 months, good faith estimates of the following information in a meeting open to the public: (a) the true interest cost of the bonds, (b) the sum of all fees and charges paid to third parties with respect to the bonds, (c) the amount of proceeds of the bonds expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the bonds, and (d) the sum total of all debt service payments on the bonds calculated to the final maturity of the bonds plus the fees and charges paid to third parties not paid with the proceeds of the bonds; and

WHEREAS, in compliance with SB 450, the Governing Board has obtained from the Underwriter the required good faith estimates and such estimates are disclosed and set forth in Section 23 hereof; and

WHEREAS, all acts, conditions and other matters required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of general obligation bonds of the District, and the indebtedness of the District, including this proposed issue of the Bonds, is within all limits prescribed by law;

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Education of the Chino Valley Unified School District as follows:

SECTION 1. Definitions. Capitalized terms used but not defined herein shall have the meanings set forth in the Recitals hereto. Additionally, the following terms shall for all purposes of this Resolution have the following meanings:

“**Accretion Rate**” means, with respect to Capital Appreciation Bonds, the interest rate at which interest accrues and compounds thereon.

“**Accreted Value**” means an amount equal to the principal amount of a Capital Appreciation Bond plus interest accrued thereon from the date of issuance, such interest to accrue at the specified rate for such Bond maturity on the basis of a 360-day year comprised of 30-day months, and such

interest to compound, commencing on the first Interest Payment Date after issuance, and semi-annually thereafter on the Interest Payment Dates in each year. Accreted Value on any date other than an Interest Payment Date is equal to the ratable portion of the difference between the Accreted Value computed as of the immediately preceding Interest Payment Date and the Accreted Value computed as of the immediately succeeding Interest Payment Date, calculated based on the assumption that the Accreted Value increases during any period in equal daily amounts along a straight-line interpolation between Interest Payment Dates.

“Authorized Investments” shall mean legal investments authorized by Section 53601 of the Government Code.

“Authorized Officer” and “Authorized Officers” has the meaning provided in Section 6 herein.

“Authorizing Law” shall mean, collectively, (i) Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, as amended; (ii) applicable provisions of the Education Code, as amended; and (iii) Article XIII A of the California Constitution.

“Board of Supervisors” shall mean the Board of Supervisors of the County.

“Bond Counsel” shall mean Norton Rose Fulbright US LLP.

“Bond Register” shall mean the books referred to in Section 16 of this Resolution.

“Building Fund” shall mean the Chino Valley Unified School District, Election of 2016, Series 2024D Building Fund funded with the proceeds of the Bonds, and any subaccounts established therein, established at the direction of the District and administered by the Treasurer.

“Business Day” shall mean a day which is not a Saturday, Sunday or a day on which banking institutions in the State or the State of New York and the New York Stock Exchange are authorized or required to be closed.

“Capital Appreciation Bonds” means the Bonds which are designated as such in the Contract of Purchase, the interest on which is compounded semiannually on each Compounding Date and is payable in full at maturity as shown in the table of Accreted Value for the Capital Appreciation Bonds.

“Code” shall mean the Internal Revenue Code of 1986, as amended.

“Common Issue Bonds” means the Tax-Exempt Bonds and any other tax-exempt obligations sold within 15 days of the Tax-Exempt Bonds that are part of the same issue as the Tax-Exempt Bonds pursuant to section 1.150-1(c) of the Regulations.

“Compounding Date” means, with respect to any Capital Appreciation Bond, each February 1 and August 1, commencing on the date set forth in the Contract of Purchase, to and including the date of maturity or redemption of such Capital Appreciation Bond.

“Contract of Purchase” shall mean the Purchase Contract by and between the District and the Underwriter relating to the Bonds.

“Costs of Issuance” shall mean all of the authorized costs of issuing the Bonds as described in the Authorizing Law, including but not limited to, all printing and document preparation expenses in connection with this Resolution, the Bonds and the Preliminary Official Statement and the Official Statement pertaining to the Bonds and any and all other agreements, instruments, certificates or other documents prepared in connection therewith; underwriter’s fees; rating agency fees and related costs; auditor’s fees; CUSIP service bureau charges; legal fees and expenses of counsel with respect to the financing, including the fees and expenses of Bond Counsel and Disclosure Counsel; the fees and expenses of the Paying Agent; the fees and expenses of the Municipal Advisor; fees for credit enhancement (if any) relating to the Bonds; and other fees and expenses incurred in connection with the issuance of the Bonds, to the extent such fees and expenses are approved by the District. If it appears in the best interests of the District to acquire credit enhancement to secure the payment of all or a portion of the principal and interest with respect to the Bonds, or obtain a legal opinion addressed to the rating agency(ies) from Bond Counsel or special revenue opinion counsel which is necessary to obtain a rating that provides for a lower cost of funds to the District, then an Authorized Officer may so provide in the Contract of Purchase.

“County Office of Education” shall mean the Office of Education of the County and such other persons as may be designated by the County Office of Education to perform any operational and disbursement functions hereunder.

“Current Interest Bonds” means the Bonds which are designated as such in the Contract of Purchase, the interest on which is payable semiannually on each Interest Payment Date specified for each such Bond as designated and maturing in the years and in the amounts set forth in the Contract of Purchase.

“Date of Delivery” shall mean the date on which the Underwriter purchase the Bonds.

“Debt Service” shall have the meaning given to that term in Section 18 of this Resolution.

“Debt Service Fund” shall mean the Debt Service Fund established pursuant to Section 18 of this Resolution.

“Denominational Amount” means, with respect to any Capital Appreciation Bonds, the initial purchase price (exclusive of any premium) of such Capital Appreciation Bond.

“Depository” shall mean DTC and its successors and assigns or if (a) the then-acting Depository resigns from its functions as securities depository for the Bonds, or (b) the District discontinues use of the Depository pursuant to this Resolution, any other securities depository which agrees to follow procedures required to be followed by a securities depository in connection with the Bonds.

“Disclosure Counsel” shall mean Norton Rose Fulbright US LLP, in its capacity as disclosure counsel to the District with respect to the Bonds.

“DTC” shall mean The Depository Trust Company, and its successors and assigns.

“EMMA” shall mean the Electronic Municipal Market Access website of the MSRB, currently located at <http://emma.msrb.org>.

“Fiscal Year” shall mean the twelve-month period commencing on July 1 of each year and ending on the following June 30 or any other fiscal year selected by the District.

“G.O. Bonds” shall mean all general obligation bonds of the District heretofore or hereafter issued pursuant to voter approved measures of the District, including Measure G and Measure M.

“Information Services” shall mean EMMA and, in accordance with then-current guidelines of the Securities and Exchange Commission, such other addresses and/or such other services providing information with respect to called bonds as the District may designate in a certificate of the District delivered to the Paying Agent.

“Interest Payment Date” shall mean February 1 and August 1 in each year, commencing on [August] 1, 2024, or as otherwise specified in the Contract of Purchase.

“Maturity Value” means, with respect to any Capital Appreciation Bond, the Accreted Value of such Capital Appreciation Bond to be paid at maturity.

“Measure G” shall mean the general obligation bond proposition approved by more than 55% of District voters on November 8, 2016 authorizing the issuance of an aggregate principal amount of \$750,000,000 in general obligation bonds to finance the projects described in the proposition, payable from *ad valorem* property taxes.

“Measure M” shall mean the general obligation bond proposition approved by more than 55% of District voters on March 5, 2002 authorizing the issuance of an aggregate principal amount of \$150,000,000 in general obligation bonds to finance the projects described in the proposition, payable from *ad valorem* property taxes.

“Moody’s” shall mean Moody’s Investors Service, its successors and assigns, except that if such corporation shall no longer perform the functions of a securities rating agency for any reason, the term “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency selected by the District.

“MSRB” shall mean the Municipal Securities Rulemaking Board or any other entity designated or authorized by the Securities and Exchange Commission to receive the reports described in the Continuing Disclosure Undertaking. Until otherwise designated by the MSRB or the Securities and Exchange Commission, filings with the MSRB are to be made through EMMA.

“Municipal Advisor” shall mean Keygent LLC, as Municipal Advisor to the District.

“Nominee” shall mean the nominee of the Depository which may be the Depository, as determined from time to time by the Depository.

“Official Statement” shall mean the final official statement of the District describing the Bonds.

“Outstanding” when used with reference to the Bonds, shall mean, as of any date, Bonds theretofore issued or thereupon being issued under this Resolution except:

- (i) Bonds canceled at or prior to such date;
- (ii) Bonds in lieu of or in substitution for which other Bonds shall have been delivered pursuant to Section 14 hereof; and
- (iii) Bonds for the payment or redemption of which funds or eligible securities in the necessary amount shall have been set aside (whether on or prior to the maturity or redemption date of such Bonds), in accordance with Section 42 of this Resolution.

“Owner” shall mean the registered owner, as indicated in the Bond Register, of any Bond.

“Participant” shall mean a member of or participant in the Depository.

“Paying Agent” shall mean the paying agent designated pursuant to Section 31 hereof.

“Pledged Moneys” shall have the meaning given to that term in Section 19 of this Resolution.

“Principal” or “Principal Amount” shall mean, as of any date of calculation, with respect to any Bond, the principal amount thereof.

“Project” shall mean the capital improvements further described in Section 7 of this Resolution and delineated in the ballot presented to and approved by the voters of the District at the Election.

“Project Costs” shall mean all of the expenses of and incidental to the construction, acquisition, equipping or furnishing of the Project to be funded with the proceeds of the Bonds.

“Rebate Fund” shall mean the Rebate Fund established pursuant to Section 20 of this Resolution.

“Record Date” shall mean the close of business on the fifteenth calendar day of the month next preceding an Interest Payment Date.

“Regulations” shall mean the regulations of the United States Department of the Treasury proposed or promulgated under Sections 103 and 141 through 150 of the Code which by their terms are effective with respect to the Bonds and similar Treasury Regulations to the extent not inconsistent with Sections 103 and 141 through 150 of the Code, including regulations promulgated under Section 103 of the Internal Revenue Code of 1954, as amended.

“S&P” shall mean S&P Global Ratings, its successors and assigns, except that if such corporation shall no longer perform the functions of a securities rating agency for any reason, the

term “S&P” shall be deemed to refer to any other nationally recognized securities rating agency selected by the District.

“Securities Depositories” shall mean The Depository Trust Company, 55 Water Street, New York, New York 10041, Facsimile transmission: (212) 785-9681, (212) 855-3215, and, in accordance with then-current guidelines of the Securities and Exchange Commission, such other addresses and/or such other securities depositories as the District may designate in a certificate delivered to the Paying Agent.

“Superintendent” shall mean the Superintendent of the District.

“Supplemental Resolution” shall mean any resolution supplemental to or amendatory of this Resolution, adopted by the District in accordance with Section 39 or Section 40 hereof.

“Tax Certificate” means the Tax Certificate delivered by the District on the Date of Delivery.

“Taxable Bonds” means those Bonds, which by their terms, bear interest that is not excluded from gross income for purposes of Federal income taxation.

“Tax-Exempt Bonds” means any Bonds designated by an Authorized Officer of the District to be Tax-Exempt Bonds, which by the terms of such Bonds, bear interest that is excluded from gross income for purposes of Federal income taxation.

“Term Bond” shall mean any Bond which, by its terms, has a single maturity but is subject to mandatory sinking fund redemption prior to the date of such maturity.

SECTION 2. Rules of Construction. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders, and vice versa. Except where the context otherwise requires, words importing the singular shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

SECTION 3. Authority for this Resolution. This Resolution is adopted pursuant to the provisions of the Authorizing Law.

SECTION 4. Resolution to Constitute Consensual Agreement. In consideration of the purchase and acceptance of any and all of the Bonds authorized to be issued hereunder by those who shall own the same from time to time, this Resolution shall be deemed to be and shall constitute a consensual agreement among the District and the Owners from time to time of the Bonds; and the pledge made and lien and security interest granted in this Resolution shall be for the equal benefit, protection and security of the registered owners of any and all of the G.O. Bonds, all of which, regardless of the time or times of their issuance or maturity, shall be of equal rank without preference, priority or distinction of any of the G.O. Bonds over any other thereof.

SECTION 5. Approval of Documents; Determination of Method of Sale and Terms of Bonds.

(a) The Authorized Officers, in consultation with Bond Counsel, the Municipal Advisor, the Underwriter and the other officers of the District are, and each of them acting alone is, hereby authorized and directed to issue and deliver the Bonds and to establish the initial aggregate principal amount thereof; *provided, however*, that such aggregate principal amount of the Bonds shall not exceed \$143,500,133.25.

(b) The form of the Contract of Purchase is hereby approved. The Authorized Officers are, and each of them acting alone is, authorized and directed to execute and deliver the Contract of Purchase to the Underwriter for and in the name and on behalf of the District, with such additions, changes or corrections therein as the Authorized Officer executing the same on behalf of the District may approve, in his or her discretion, as being in the best interests of the District including, without limitation (i) such changes as are necessary to reflect the final terms of the Bonds to the extent such terms differ from those set forth in this Resolution, such approval to be conclusively evidenced by such Authorized Officer's execution thereof and (ii) any other documents required to be executed thereunder. The Authorized Officers are, and each of them acting alone is, hereby authorized to negotiate with the Underwriter the terms, maturities, interest rates and series of the Bonds and the purchase price of the Bonds to be paid by the Underwriter, which purchase price shall reflect an Underwriter's discount of not more than 0.45% (not including original issue discount) of the Principal Amount thereof. The interest rate on the Bonds shall not exceed the maximum allowed under law. Principal of any Current Interest Bonds shall be payable within 30 years, or as otherwise stated in the Contract of Purchase, but in no event shall the Current Interest Bonds have a maturity greater than 40 years. To the extent any of the Current Interest Bonds have a maturity greater than 30 years, the useful life of any facility financed with such bonds will equal or exceed their respective maturity. Principal of any Capital Appreciation Bonds shall be payable within 25 years. The Capital Appreciation Bonds shall have a ratio of total debt service to principal of not to exceed four to one. The Contract of Purchase shall provide that any Capital Appreciation Bond maturing more than 10 years after the Date of Delivery shall be subject to redemption prior to maturity at the option of the District, at the Accreted Value thereof, beginning no later than 10 years following the Date of Delivery.

(c) The form of the Continuing Disclosure Undertaking is hereby approved. The Authorized Officers are, and each of them acting alone is, hereby authorized to execute and deliver the Continuing Disclosure Undertaking on behalf of the District, with such changes therein as the Authorized Officer executing the same on behalf of the District may approve, in his or her discretion, as being in the best interests of the District, such approval to be conclusively evidenced by such Authorized Officer's execution thereof, and any other documents required to be executed thereunder, and to deliver the same to the Underwriter. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this Resolution, failure of the District to comply with the Continuing Disclosure Undertaking shall not be considered an event of default as to the Bonds and shall not be deemed to create any monetary liability on the part of the District to any other persons, including Owners of the Bonds.

(d) The form of the Preliminary Official Statement is hereby approved. This Governing Board also hereby authorizes the use and distribution by the Underwriter of: (a) the Preliminary Official Statement with such changes as the Authorized Officer executing the certificate described below may approve, such approval to be conclusively evidenced by such Authorized Officer's execution of such certificate; and (b) an Official Statement in substantially the form of the Preliminary Official Statement with such changes as may be necessary or desirable in connection with the sale of the Bonds as determined by the Authorized Officer executing the Official Statement, such determination to be conclusively evidenced by the execution and delivery of the Official Statement by such Authorized Officer; and (c) any amendments or supplements to the Preliminary Official Statement or the Official Statement which an Authorized Officer may deem necessary or desirable, such determination to be conclusively evidenced by the execution of such amendment or supplement or of a certificate as described below by such Authorized Officer. The Authorized Officers are, and each of them acting alone hereby is, authorized to approve such additions, deletions or changes to the Preliminary Official Statement and Official Statement, as are necessary or desirable to effect the purposes of this Resolution and to comply with applicable laws and to deliver copies of the Preliminary Official Statement and the Official Statement. The Authorized Officers also are, and each of them acting alone hereby is, authorized to determine whether any Preliminary Official Statement and/or Official Statement, and any amendments or supplements thereto, shall be used in connection with the sale of the Bonds. Upon approval of the Preliminary Official Statement by such Authorized Officer as evidenced by execution of a certificate substantially in the form of Exhibit B attached hereto and by this reference incorporated herein, with such changes as may be necessary or desirable, the Preliminary Official Statement shall be deemed final as of its date except for the omission of certain information as provided in and pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934.

(e) This Governing Board also hereby authorizes the preparation of a paying agent agreement in connection with the Bonds, in such form as shall be determined by an Authorized Officer, such determination to be conclusively evidenced by the execution and delivery of the paying agent agreement by such Authorized Officer.

SECTION 6. Authorization of Officers. The officers of the District, including but not limited to the Superintendent, the Associate Superintendent of Business Services, the Assistant Superintendent of Facilities, Planning and Operations of the District, and their authorized designees or representatives (each, an “**Authorized Officer**” and together, the “**Authorized Officers**”) are, and each of them acting alone is, hereby authorized to execute any and all certifications and documents and do and perform any and all acts and things, from time to time, consistent with this Resolution and necessary or appropriate to carry the same into effect and to carry out its purposes.

SECTION 7. Use of Bond Proceeds. The proceeds of the Bonds shall be applied to: (a) finance the acquisition, construction, furnishing and equipping of District facilities for some or all of the Projects authorized at the Election, the bond proposition and project list approved at which shall be incorporated herein by this reference as though fully set forth in this Resolution; (b) pay capitalized interest of the Bonds, if so elected by the District's Authorized Officer; and (c) pay Costs of Issuance of the Bonds.

SECTION 8. Designation and Form; Payment.

(a) An issue of Bonds in one or more series entitled to the benefit, protection and security of this Resolution is hereby authorized. Such Bonds shall be general obligations of the District, payable as to Principal of and premium, if any, and interest from *ad valorem* property taxes to be levied upon all of the taxable property in the District. The Bonds shall be designated the “Chino Valley Unified School District General Obligation Bonds, Election of 2016, Series 2024D” with such insertions as shall be appropriate to describe the series, federally taxable or tax-exempt status, and/or tranches. The Bonds may be issued as Current Interest Bonds and/or Capital Appreciation Bonds. The aggregate principal amount of the Bonds shall not exceed \$143,500,133.25. The Bonds may be issued as serial bonds or term bonds and shall be subject to redemption as set forth in the Contract of Purchase, subject to the provisions of this Resolution. The Authorized Officers are, and each of them acting alone is, hereby authorized, upon consultation with the Municipal Advisor, the Underwriter and Bond Counsel, to determine whether the interest on the Bonds, or on any series of Bonds, shall be subject to federal income taxes or exempt from federal income taxes.

(b) The form of the Capital Appreciation Bonds and the Current Interest Bonds shall conform substantially with the standard form of registered school district general obligation bonds, copies of which are attached hereto as Exhibit A-1 and Exhibit A-2 hereto, respectively, and incorporated herein by this reference, with such changes as are necessary to reflect the final terms of the Bonds.

(c) The Principal of and premium, if any, and interest on any Bond are payable in lawful money of the United States of America. Principal of the Bonds and premium, if any, is payable upon surrender thereof at maturity or earlier redemption at the office designated by the Paying Agent.

SECTION 9. Description of the Bonds.

(a) Terms of Current Interest Bonds. The Bonds shall be issued in fully registered form, in denominations of \$5,000 or any integral multiple thereof and shall be dated and shall mature on the dates, in the years and in the Principal Amounts, and interest shall be computed at the rates, set forth in the Contract of Purchase.

Interest on each Bond shall accrue from its dated date as set forth in the Contract of Purchase. Interest on Bonds shall be computed using a year of 360 days comprised of twelve 30-day months and shall be payable on each Interest Payment Date to the Owner thereof appearing on the Bond Register as of the close of business on the Record Date. Interest on each Bond will be payable from the Interest Payment Date next preceding the date of registration thereof, unless (i) it is registered after the close of business on any Record Date and before the close of business on the immediately following Interest Payment Date, in which event interest thereon shall be payable from such following Interest Payment Date; or (ii) it is registered prior to the close of business on the first Record Date, in which event interest shall be payable from its dated date; *provided, however*, that if at the time of registration of any Bond, interest thereon is in default, interest with respect thereto shall be payable from the Interest Payment Date to which interest has previously been paid or made available for payment. Payments of interest on the Bonds will be

made on each Interest Payment Date by wire transfer to the Owner thereof appearing on the Bond Register on the Record Date, to the account specified by such Owner in a written request delivered to the Paying Agent on or prior to the Record Date for such Interest Payment Date; *provided, however*, that payments of defaulted interest shall be payable to the person in whose name such Bond is registered at the close of business on a special record date fixed therefor by the Paying Agent which shall not be more than fifteen days and not less than ten days prior to the date of the proposed payment of defaulted interest.

(b) Terms of Capital Appreciation Bonds. The Capital Appreciation Bonds will be issued in fully registered form without coupons in denominations of \$5,000 in Maturity Values or any integral multiple thereof (except that one Capital Appreciation Bond may be issued in a denomination the Maturity Value of which is not an integral multiple of \$5,000), maturing on August 1 in each of the years and in the maturity amounts as will be determined upon the sale thereof. Interest on the Capital Appreciation Bonds compounds on each Compounding Date at the respective Accretion Rates to be determined upon the sale thereof, and is payable solely at maturity or upon earlier redemption thereof as hereinafter provided.

Each Capital Appreciation Bond will be dated as of the Date of Delivery. The Accreted Value of the Capital Appreciation Bonds and any redemption premium thereon will be payable solely at maturity or earlier redemption thereof to the Owners thereof upon presentation and surrender thereof at the Office of the Paying Agent. The Accreted Value of the Capital Appreciation Bonds will be payable in lawful money of the United States of America upon presentation and surrender thereof at the Office of the Paying Agent.

SECTION 10. Federal Tax Covenants. This Section 10 shall apply to any Bonds issued as Tax-Exempt Bonds.

(a) Definitions. When used in this Section, the following terms have the following meanings:

“*Bonds*” means the Bonds, and any other tax-exempt obligations sold within 15 days of the Bonds that are part of the same issue pursuant to Section 1.150-1(c) of the Regulations.

“*Closing Date*” means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

“*Code*” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“*Computation Date*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Gross Proceeds*” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

“*Investment*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Nonpurpose Investment” means any investment property, as defined in section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“Rebate Amount” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Regulations” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“Yield” of

(i) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and

(ii) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The District shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Tax-Exempt Bond to become includable in the gross income, as defined in section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the District receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Tax-Exempt Bond, the District shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by section 141 of the Code and the Regulations and rulings thereunder, the District shall at all times prior to the last stated maturity of the Bonds:

(i) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(ii) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the District or

interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by section 141 of the Code and the Regulations and rulings thereunder, the District shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take or pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by section 148 of the Code and the Regulations and rulings thereunder, the District shall not at any time prior to the final stated maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment, if as a result of such investment the Yield of any Investment acquired with Gross Proceeds, whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by section 149(b) of the Code and the Regulations and rulings thereunder, the District shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The District shall timely file the information required by section 149(e) of the Code with the Secretary of the Treasury on Form 8038 G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in section 148(f) of the Code and the Regulations and rulings thereunder:

(i) The District shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last outstanding Bond is discharged. However, to the extent permitted by law, the District may commingle Gross Proceeds of the Bonds with other money of the District, provided that the District separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(ii) Not less frequently than each Computation Date, the District shall calculate the Rebate Amount in accordance with rules set forth in section 148(f) of the Code and the Regulations and rulings thereunder. The District shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(iii) As additional consideration for the purchase of the Bonds by the initial purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to ensure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the District shall pay to the United States out of the Rebate Fund, its general fund, or other appropriate fund, the amount that when added to the future value of previous rebate payments made for the Bonds equals (A) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (B) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(iv) The District shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (ii) and (iii), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148 3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by section 148 of the Code and the Regulations and rulings thereunder, the District shall not, at any time prior to the earlier of the stated maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) Elections. The District hereby directs and authorizes the Superintendent of the District, the Associate Superintendent of Business Services of the District, either or any combination of them or their respective designees, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Bonds, in the Tax Certificate or similar or other appropriate certificate, form or document.

(k) Bonds Not Hedge Bonds.

(i) At the time the original bonds refunded by the Bonds were issued, the District reasonably expected to spend at least 85% of the spendable proceeds of such bonds within three years after such bonds were issued.

(ii) Not more than 50% of the proceeds of the original bonds refunded by the Bonds were invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

(l) Reliance on Opinion of Bond Counsel. Notwithstanding any provision of this Section, if the District shall provide to the Treasurer an opinion of Bond Counsel that any specified action required under this Section is no longer required or that some further or different action is required to maintain the exclusion from federal income tax of interest on the Bonds issued as tax-exempt bonds, the Treasurer may conclusively rely on such opinion of Bond Counsel in complying with the requirements of this Section and of the Tax Certificate, and the covenants hereunder shall be deemed to be modified to that extent.

SECTION 11. Reimbursement of Qualified Project Expenditures. It is the intent of the Governing Board to authorize the sale of the Bonds, in a total maximum aggregate principal amount not to exceed \$143,500,133.25 to finance the Project. The District has paid or expects to pay certain capital expenditures related to the Project (the “**Reimbursable Expenses**”) to which it desires to preserve its ability to reimburse with proceeds of the Bonds, as provided under section 1.150-2 of the Regulations. The reimbursement of the Reimbursable Expenses is consistent with the District’s budgetary and financial circumstances. The District reasonably expects to reimburse capital expenditures with respect to the Project with proceeds of the Bonds, and this resolution shall constitute a declaration of official intent under the Regulations. The District recognizes that reimbursement allocations to which section 1.150-2 of the Regulations applies by reason of this Resolution generally include only reimbursements of payments originally for capital expenditures made no earlier than 60 days prior to the date of adoption of this Resolution.

SECTION 12. Book-Entry System.

(a) The Bonds shall be initially issued in the form of a separate single fully registered Bond for each maturity of the Bonds.

Upon initial issuance, the ownership of each such global Bond shall be registered in the Bond Register in the name of the Nominee as nominee of the Depository. Except as provided in subsection (c) hereof, all of the Outstanding Bonds shall be registered in the Bond Register in the name of the Nominee and the Bonds may be transferred, in whole but not in part, only to the Depository, to a successor Depository or to another nominee of the Depository or of a successor Depository. Each Bond shall bear a legend describing restrictions on transfer, as may be prescribed by the Depository.

With respect to Bonds registered in the Bond Register in the name of the Nominee, the District shall have no responsibility or obligation to any Participant or to any person on behalf of which such a Participant holds a beneficial interest in the Bonds. Without limiting the immediately preceding sentence, the District shall have no responsibility or obligation with respect to (i) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any beneficial ownership interest in the Bonds, (ii) the delivery to any Participant, beneficial owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any Redemption Notice (as defined in Section 28 below), (iii) the selection by the Depository and the Participants of the beneficial interests in the Bonds to be redeemed in part, or (iv) the payment to any Participant, beneficial owner or any other person, other than the Depository, of any amount with respect to Principal of, premium, if any, and interest on the Bonds. The District and the Paying Agent may treat and consider the person in whose name each Bond is registered in the Bond Register as the holder and absolute Owner of such Bond for the purpose of payment of

Principal of, premium, if any, and interest on such Bond, for the purpose of giving Redemption Notices and other notices with respect to such Bond, and for all other purposes whatsoever, including, without limitation, registering transfers with respect to the Bonds.

The Paying Agent shall pay all Principal of, premium, if any, and interest on the Bonds only to the respective Owners, as shown in the Bond Register, and all such payments shall be valid hereunder with respect to payment of Principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Bond Register, shall receive a Bond evidencing the obligation to make payments of Principal of, premium, if any, and interest, pursuant to this Resolution. Upon delivery by the Depository to the Paying Agent and the District of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions hereof with respect to Record Dates, the word Nominee in this Resolution shall refer to such new nominee of the Depository.

(b) In order to qualify the Bonds for the Depository's book-entry system, the District is hereby authorized to execute and deliver or shall have executed and delivered to the Depository a letter from the District representing such matters as shall be necessary to so qualify the Bonds (the "**Representation Letter**"). The execution and delivery of the Representation Letter shall not in any way limit the provisions of subsection (a) hereof or in any other way impose upon the District any obligation whatsoever with respect to persons having beneficial interests in the Bonds other than the Owners, as shown in the Bond Register. In addition to the execution and delivery of the Representation Letter, the District and its Authorized Officers are hereby authorized to take any other actions, not inconsistent with this Resolution, to qualify the Bonds for the Depository's book-entry program.

(c) If at any time the Depository notifies the District that it is unwilling or unable to continue as Depository with respect to the Bonds or if at any time the Depository shall no longer be registered or in good standing under the Securities Exchange Act or other applicable statute or regulation and a successor Depository is not appointed by the District within 90 days after the District receives notice or becomes aware of such condition, as the case may be, subsection (a) hereof shall no longer be applicable and the District shall cause the issuance of certificated securities representing the Bonds as provided below. In addition, the District may determine at any time that the Bonds shall no longer be lodged with a Depository and that the provisions of subsection (a) hereof shall no longer apply to the Bonds. In any such event the District shall cause the execution and delivery of certificated securities representing the Bonds as provided below. Bonds issued in exchange for global Bonds pursuant to this subsection (c) shall be registered in such names and delivered in such denominations as the Depository shall instruct the District. The District shall cause delivery of such certificated securities representing the Bonds to the persons in whose names such Bonds are so registered.

If the District determines to replace the Depository with another qualified securities depository, the District shall prepare or cause to be prepared a new fully registered global Bond for each of the maturities of the Bonds, registered in the name of such successor or substitute securities depository or its nominee, or make such other arrangements as are acceptable to the District and such securities depository and not inconsistent with the terms of this Resolution.

(d) Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of the Nominee, all payments with respect to Principal Amount of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, as provided in the Representation Letter or as otherwise instructed by the Depository.

(e) The initial Depository under this Resolution shall be DTC. The initial Nominee shall be Cede & Co., as nominee of DTC.

SECTION 13. Execution of the Bonds.

(a) The Bonds shall be executed in the manner required by the Authorizing Law. In case any one or more of the Authorized Officers who shall have signed any of the Bonds shall cease to be such officer before the Bonds so signed shall have been issued by the District, such Bonds may, nevertheless, be issued, as herein provided, as if the Authorized Officers who signed such Bonds had not ceased to hold such offices. Any of the Bonds may be signed on behalf of the District by such persons as at the time of the execution of such Bonds shall be duly authorized to hold or shall hold the proper offices in the District, although at the date borne by the Bonds such persons may not have been so authorized or have held such offices.

(b) The Bonds shall bear thereon a certificate of authentication executed manually by the Paying Agent. Only such Bonds as shall bear thereon such certificate of authentication duly executed by the Paying Agent shall be entitled to any right or benefit under this Resolution and no Bond shall be valid or obligatory for any purpose until such certificate of authentication shall have been duly executed by the Paying Agent. Such certificate of the Paying Agent upon any Bond shall be conclusive evidence that the Bond so authorized has been duly authenticated and delivered under this Resolution and that the Owner thereof is entitled to the benefit of this Resolution.

SECTION 14. Transfer and Exchange. The registration of any Bond may be transferred upon the Bond Register upon surrender of such Bond to the Paying Agent. Such Bond shall be endorsed or accompanied by delivery of the written instrument of transfer shown in Exhibit A hereto, duly executed by the Owner or such Owner's duly authorized attorney, and payment of such reasonable transfer fees as the Paying Agent may establish. Upon such registration of transfer, a new Bond or Bonds, of like tenor, series and maturity in the same Principal Amount and in authorized denominations, will be executed and delivered to the transferee in exchange therefor.

The Paying Agent shall deem and treat the person in whose name any Outstanding Bond shall be registered upon the Bond Register as the absolute owner of such Bond, whether the Principal of and premium, if any, or interest on such Bond shall be overdue or not, for the purpose of receiving payment of Principal of and premium, if any, and interest on such Bond and for all other purposes, and any such payments so made to any such Owner or upon such Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and the District or the Paying Agent shall not be affected by any notice to the contrary.

Bonds may be exchanged at the office of the Paying Agent for Bonds of like series, tenor and maturity of other authorized denominations. All Bonds surrendered in any such exchange shall thereupon be cancelled by the Paying Agent. The Paying Agent may charge the Owner a reasonable sum for each new Bond executed and delivered upon any exchange (except in the case of the first exchange of any Bond in the form in which it is originally delivered, for which no charge shall be imposed) and the Paying Agent may require the payment by the Owner requesting such exchange of any tax or other governmental charge required to be paid with respect to such exchange.

The Paying Agent shall not be required to register the transfer or exchange of any Bond (i) during the period beginning at the close of business on any Record Date through the close of business on the immediately following Interest Payment Date, or (ii) that has been called or is subject to being called for redemption, during a period beginning at the opening of business 15 days before any selection of Bonds to be redeemed through the close of business on the applicable redemption date, except for the unredeemed portion of any Bond to be redeemed only in part.

SECTION 15. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Bond shall become mutilated, the Paying Agent, at the expense of the Owner, shall deliver a new Bond of like date, interest rate, maturity, Principal Amount and tenor as the Bond so mutilated in exchange and substitution for such mutilated Bond, upon surrender and cancellation thereof. All Bonds so surrendered shall be cancelled. If any Bond shall be destroyed, stolen or lost, evidence of such destruction, theft or loss may be submitted to the Paying Agent and if such evidence is satisfactory to the Paying Agent that such Bond has been destroyed, stolen or lost, and upon furnishing the Paying Agent with indemnity satisfactory to the Paying Agent and complying with such other reasonable regulations as the Paying Agent may prescribe and paying such expenses as the Paying Agent may incur, the Paying Agent shall, at the expense of the Owner, execute and deliver a new Bond of like date, interest rate, maturity, Principal Amount and tenor in lieu of and in substitution for the Bond so destroyed, stolen or lost. Any new Bonds issued pursuant to this Section in substitution for Bonds alleged to be destroyed, stolen or lost shall constitute original additional contractual obligations on the part of the District, whether or not the Bonds so alleged to be destroyed, stolen or lost are at any time enforceable by anyone, and shall be equally secured by and entitled to equal and proportionate benefits with all other Bonds issued under this Resolution in any moneys or securities held by the Paying Agent for the benefit of the Owners of the Bonds.

SECTION 16. Bond Register. The Paying Agent shall keep or cause to be kept at its office sufficient books for the registration and registration of transfer of the Bonds. Upon presentation for registration of transfer, the Paying Agent shall, as above provided and under such reasonable regulations as it may prescribe subject to the provisions hereof, register or register the transfer of the Bonds, or cause the same to be registered or cause the registration of the same to be transferred, on such books. While the Bonds are held in the book-entry system, the Paying Agent is not required to keep a separate Bond Register.

SECTION 17. Unclaimed Money. All money which the Paying Agent shall have received from any source and set aside for the purpose of paying or redeeming any of the Bonds shall be held in trust for the respective Owners of such Bonds, but any money which shall be so set aside or deposited by the Paying Agent and which shall remain unclaimed by the Owners of such Bonds for a period of one year after the date on which any payment or redemption price with

respect to such Bonds shall have become due and payable shall be transferred to the general fund of the District (the “**General Fund**”); *provided, however*, that the Paying Agent, before making such payment, shall cause notice to be mailed to the Owners of such Bonds, by first-class mail, postage prepaid, not less than 90 days prior to the date of such payment to the effect that said money has not been claimed and that after a date named therein any unclaimed balance of said money then remaining will be transferred to the General Fund. Thereafter, the Owners of such Bonds shall look only to the General Fund for payment of such Bonds.

SECTION 18. Application of Proceeds.

(a) Upon the sale of the Bonds and at the further written instruction of an Authorized Officer, the Treasurer is hereby directed to deposit the designated net proceeds thereof, exclusive of accrued interest and any original issue premium, into the Building Fund and the subaccounts established therein, if any. The District shall, from time to time, disburse or cause to be disbursed amounts from the Building Fund to pay the Project Costs. Amounts in the Building Fund shall be invested so as to be available for the aforementioned disbursements. The District shall keep a written record of disbursements from the Building Fund, as required by State law and the Code. Any amounts that remain in a Building Fund following the completion of the Project shall be transferred to the Debt Service Fund to be used to pay the principal of, and premium, if any, and interest on the G.O. Bonds, subject to any conditions set forth in the Tax Certificate and Section 10 of this Resolution.

(b) Accrued interest, if any, and except as shall otherwise be directed by the District in accordance with applicable law, any original issue premium received by the District from the sale of the Bonds, shall be kept separate and apart in separate funds hereby created and established within the interest and sinking fund of the District to be designated as the “Chino Valley Unified School District, Election of 2016, Series 2024D Debt Service Fund” (collectively with the interest and sinking fund of the District, the “**Debt Service Fund**”). Amounts in the Debt Service Fund may be used only for payment of principal of, premium, if any, and interest on the G.O. Bonds. The Treasurer is directed to create any accounts and subaccounts in the Debt Service Fund as provided in the Tax Certificate and Section 10 of this Resolution. Proceeds of the G.O. Bonds (and earnings from the investment thereof) deposited to the Debt Service Fund and available to pay Debt Service, and earnings from the investment of monies held in the Debt Service Fund, shall be used for the payment of the Principal of and interest on the Bonds before any other Pledged Moneys.

(c) All Pledged Taxes (defined below) shall be deposited upon collection by the County into the Debt Service Fund for the G.O. Bonds and used for the payment of the principal of, premium, if any, Accreted Value and interest on the G.O. Bonds.

(d) On or before the Business Day immediately preceding each Interest Payment Date, the District shall transfer, or cause to be transferred, from the Debt Service Fund to the Paying Agent, an amount, in immediately available funds, sufficient to pay all the Principal of, premium, if any, and interest on the Bonds coming due (collectively, “**Debt Service**”) on such payment date. Debt Service on the Bonds shall be paid by the Paying Agent in the manner provided by law for the payment of Debt Service.

(e) The District shall cause moneys to be transferred to the Rebate Fund to the extent needed to comply with the Tax Certificate and Section 10 of this Resolution. Any amounts on deposit in the Debt Service Fund when there are no longer any Bonds Outstanding shall be transferred to the General Fund of the District, subject to any conditions set forth in the Tax Certificate and Section 10 of this Resolution.

(f) Certain proceeds of the Bonds may be applied to pay Costs of Issuance as provided in Section 21 below.

(g) Except as required to satisfy the requirements of Section 148(f) of the Code or to comply with the provisions of the Tax Certificate and Section 10 of this Resolution, earnings from the investment of monies held in the Debt Service Fund shall be retained in the Debt Service Fund and used to pay the Principal of and interest on the Bonds when due.

SECTION 19. Payment of and Security for the Bonds.

(a) There shall be levied by the County on all the taxable property in the District, in addition to all other taxes, a continuing direct *ad valorem* property tax annually during the period the Bonds are Outstanding in an amount sufficient, together with moneys on deposit in the Debt Service Fund and available for such purpose, to pay the principal of, premium, if any, and interest on the Bonds as it becomes due and payable, which taxes (the “**Pledged Taxes**”), when collected by the County, shall be placed in the Debt Service Fund of the District.

(b) The District hereby irrevocably pledges and grants a security interest in and lien on all of the Pledged Taxes, all revenues from the *ad valorem* property taxes collected from the levy by the County Board of Supervisors for the payment of the G.O. Bonds, all penalties and interest at any time collected with respect to the Pledged Taxes, and all proceeds derived from any of the foregoing, including all monies, securities or other funds held in or required hereby to be deposited into the Debt Service Fund from time to time (collectively, the “**Pledged Moneys**”), to the payment of the principal of and interest on the G.O. Bonds. This pledge and grant of a security interest and lien shall be valid and binding from the date hereof for the benefit of the registered owners of the G.O. Bonds and successors thereto. The Pledged Moneys shall immediately be subject to the pledge, security interest and lien created hereby, which shall immediately attach to the Pledged Moneys as the District acquires any interest therein, and shall be effective, binding, and enforceable against the District, its successors, creditors and all others irrespective of whether those parties have notice of the pledge, security interest or lien, and without the need of any physical delivery, recordation, filing, or further act. The *ad valorem* property tax levy may include an allowance for a reasonably required reserve in accordance with the Tax Certificate, established for the purpose of ensuring that the tax or assessment actually collected is sufficient to pay the annual debt service requirements on the G.O. Bonds due in such year. The District covenants to cause the County to take all actions necessary to levy such *ad valorem* property tax in accordance with this Section, Section 15140 *et seq.* of the Education Code and Section 53506 *et seq.* of the Government Code. “G.O. Bonds” for purpose of this pledge contained herein means all general obligation bonds of the District heretofore or hereafter issued pursuant to voter approved measures of the District, including Measure G and Measure M, as all such general obligation bonds are required by State law to be paid from the Debt Service Fund.

(c) This pledge and grant of a consensual lien and security interest is an agreement between the District and the registered owners of the G.O. Bonds to provide security for the G.O. Bonds in addition to any statutory lien that may exist, and the G.O. Bonds and each of the other bonds secured by such pledge and grant of a lien and security interest are, will be, or were issued to finance one or more of the projects specified in the applicable voter-approved measure.

SECTION 20. Establishment and Application of Rebate Fund. There is hereby established in trust a special fund designated “Chino Valley Unified School District General Obligation Bonds 2024 Rebate Fund” (the “**Rebate Fund**”) which shall be held by the Treasurer for the account of the District and which shall be kept separate and apart from all other funds and accounts held hereunder. The District shall transfer, or cause to be transferred, moneys to the Rebate Fund in accordance with the provisions of the Tax Certificate and Section 10 of this Resolution. Amounts on deposit in the Rebate Fund shall only be applied to payments made to the United States or otherwise transferred to other accounts or funds established hereunder in accordance with the Tax Certificate and Section 10(h) of this Resolution.

SECTION 21. Payment of Costs of Issuance. The costs of issuance of the Bonds and compensation paid to the Underwriter are hereby authorized to be paid either from premium withheld by the Underwriter upon the sale of the Bonds, or from the Principal Amount of the Bonds received by the Underwriter. To the extent costs of issuance are paid from such Principal Amount, the District may direct that a portion thereof, in an amount not to exceed 2.0% of such Principal Amount, in lieu of being deposited in the Building Fund, be deposited in a costs of issuance fund to be held by a paying agent, fiscal agent or cost of issuance custodian (the “**Paying Agent**”) of the District appointed for such purpose. Such premium or proceeds of the sale of the Bonds designated to pay all or a portion of certain costs of issuing the Bonds shall be deposited in the fund of the District known as the “Chino Valley Unified School District 2024 General Obligation Bonds Costs of Issuance Fund” (the “**Costs of Issuance Fund**”), and those proceeds shall be used solely for the purpose of paying Costs of Issuance of the Bonds. Any amounts remaining in the Costs of Issuance Fund following the earlier of the day which is 180 days following the Date of Delivery or the day on which the Paying Agent pays the final invoice for Costs of Issuance, as directed by the District, shall be transferred by the Paying Agent to the County for deposit in the Building Fund, or Debt Service Fund, as appropriate.

SECTION 22. Negotiated Sale/Method of Sale. The Bonds shall be sold by negotiated sale to the Underwriter inasmuch as: (i) such a sale will allow the District to (A) integrate the sale of the Bonds with its other outstanding general obligation bonds and other public financings undertaken, or to be undertaken, by the District in order to fund its public education facilities and (B) manage its tax levy restrictions under the provisions of Proposition 39, codified at Section 15270(a) of the Education Code; (ii) such a sale will allow the District to utilize the services of consultants who are familiar with the financial needs, status and plans of the District; and (iii) such a sale will allow the District to control the timing of the sale of the Bonds to the municipal bond market and, potentially, take advantage of interest rate opportunities for the favorable sale of the Bonds to such market and resulting in lower tax levies against the taxpayers of the District.

SECTION 23. Engagement of Consultants; Good Faith Estimates.

(a) In accordance with Section 15146(b)(1)(C) of the Education Code, Keygent LLC, has been selected as the Municipal Advisor to the District, Norton Rose Fulbright US LLP has been selected as the District's Bond Counsel and Disclosure Counsel and Stifel, Nicolaus & Company, Incorporated has been selected to act as the Underwriter with respect to the authorization, sale and issuance of the Bonds.

(b) In accordance with SB 450 and subsection (b) of Section 15146 of the Education Code and based on a good faith estimate received by the District from the Underwriter, the District finds that (i) the true interest cost of the Bonds (as defined in Government Code Section 5852.1(a)(1)(A)) is expected to be approximately 3.670%, (ii) the total finance charge of the Bonds (as defined in Government Code Section 5852.1(a)(1)(B)) is expected to be \$1,145,737.42, which includes estimated underwriter's discount, (iii) the total proceeds expected to be received by the District from the sale of the Bonds, less the total finance charge of the Bonds, is \$142,351,467.68 and (iv) the District estimates that the total payment amount (as defined in Government Code Section 5852.1(a)(1)(D)), calculated to the final maturity of the Bonds, will be \$290,819,264.74. The information presented in this section is included in satisfaction of Government Code Section 5852.1, and shall not abrogate or otherwise limit any other provision of this Resolution. The estimated Costs of Issuance associated with the sale of the Series 2024D Bonds are approximately \$500,000.00, which includes Bond Counsel and Disclosure Counsel fees, costs of printing the Preliminary Official Statement and Official Statement, rating agency fees, Municipal Advisor fees and expenses, Paying Agent fees and other related costs. Such estimated Costs of Issuance do not include the Underwriter's discount or the premium for bond insurance, if any.

(c) If it appears in the best interests of the District to acquire credit enhancement to secure the payment of all or a portion of the principal and interest with respect to the Bonds, or obtain a legal opinion addressed to the rating agency(ies) from Bond Counsel or special revenue opinion counsel which is necessary to obtain a rating that provides for a lower cost of funds to the District, then an Authorized Officer may so provide in the Contract of Purchase.

SECTION 24. Establishment of Additional Funds and Accounts. If at any time it is deemed necessary or desirable by the District, the Treasurer, the County Office of Education, or the Paying Agent, the District may establish additional funds under this Resolution and/or accounts within any of the funds or accounts established hereunder.

SECTION 25. Request for Necessary County Actions. The Board of Supervisors, the Auditor-Controller, the Treasurer and other officials of the County, are hereby requested to take and authorize such actions as may be necessary pursuant to law to provide for the levy and collection of an *ad valorem* property tax on all taxable property of the District sufficient to provide for payment of all principal of, redemption premium, if any, and interest on the Bonds as the same shall become due and payable as necessary for the payment of the Bonds, and the Clerk of the Governing Board is hereby authorized and directed to deliver certified copies of this Resolution to the Registrar-Recorder/County Clerk of the Board of Supervisors of the County, the Auditor-Controller of the County, and the Treasurer. The Governing Board hereby agrees to reimburse the County for any costs associated with the levy and collection of said *ad valorem* property tax, upon such documentation of said costs as the District shall reasonably request.

SECTION 26. Redemption. The Bonds shall be subject to redemption as provided in the Contract of Purchase.

SECTION 27. Selection of Bonds for Redemption.

(a) Whenever provision is made in this Resolution or in the Contract of Purchase for the redemption of the Bonds and less than all Outstanding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District given as provided herein, shall select Bonds for redemption in the manner directed by the District.

(b) With respect to any Bonds, the Paying Agent shall select such Bonds for redemption as directed by the District, or, in the absence of such direction, in inverse order of maturity and within a maturity, by lot. Within a maturity, the Paying Agent will select Bonds for redemption by lot. Redemption by lot shall be in such manner as the Paying Agent shall determine; *provided, however*, that the portion of any Bond to be redeemed in part shall be in the Principal Amount of \$5,000 or any integral multiple thereof.

(c) In the event that a Term Bond is optionally redeemed, the Principal amount of each remaining sinking fund payment with respect to such Term Bond will be reduced as directed by the District in the aggregate amount equal to the amount so redeemed.

SECTION 28. Notice of Redemption. When redemption is authorized or required pursuant to this Resolution or the Contract of Purchase, the Paying Agent, upon written instruction from the District, shall give notice (each, a “**Redemption Notice**”) of the redemption of the Bonds. Such Redemption Notice shall specify: (a) the Bonds or designated portions thereof (in the case of redemption of the Bonds in part but not in whole) which are to be redeemed, (b) the date of redemption, (c) the place or places where the redemption will be made, including the name and address of the Paying Agent, (d) the redemption price, (e) the CUSIP numbers (if any) assigned to the Bonds to be redeemed, (f) the bond numbers of the Bonds to be redeemed in whole or in part and, in the case of any Bond to be redeemed in part only, the Principal Amount of such Bond to be redeemed, and (g) the original issue date, interest rate and stated maturity date of each Bond to be redeemed in whole or in part. Such Redemption Notice shall further state (i) that on the specified date there shall become due and payable upon each Bond or portion thereof being redeemed the redemption price, together with the interest accrued to the redemption date, and (ii) that from and after such date, interest with respect thereto shall cease to accrue and be payable.

The Paying Agent shall take the following actions with respect to such Redemption Notice:

(a) At least 20 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given to the respective Owners of Bonds designated for redemption by first-class mail, postage prepaid, at their addresses appearing on the Bond Register and to the MSRB.

(b) In the event that the Bonds shall no longer be held in book-entry-only form, at least 35 but not more than 45 days before the redemption date, such Redemption Notice shall be given by (i) first-class mail, postage prepaid, (ii) telephonically confirmed facsimile transmission, or (iii) overnight delivery service, to each of the Securities Depositories and the MSRB.

(c) Such redemption notice shall be given to such other persons as may be required by the Continuing Disclosure Undertaking.

Neither failure to receive any Redemption Notice nor any defect in any such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of the affected Bonds. Each check issued or other transfer of funds made by the Paying Agent for the purpose of redeeming Bonds shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

A Redemption Notice given hereunder may be conditioned upon the satisfaction of certain conditions and/or the receipt of sufficient moneys to pay the redemption price of the designated Bonds and may be rescinded by the District at any time prior to the scheduled date of redemption by so notifying the Paying Agent (who shall provide notice to the Owners of affected Bonds and the Information Services) in the event such conditions are not met and are not expected to be met and/or such funds are not received or are not expected to be received. A Redemption Notice may be rescinded by written notice given to the Paying Agent by the District and the Paying Agent shall provide notice of such rescission as soon thereafter as practicable in the same manner, and to the same recipients, as notice of such redemption was given, but in no event later than the date set for redemption.

SECTION 29. Partial Redemption of Bonds. Upon the surrender of any Bond redeemed in part only, the Paying Agent shall execute and deliver to the Owner thereof a new Bond or Bonds of like tenor and maturity and of authorized denominations equal in Principal Amounts to the unredeemed portion of the Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the District shall be released and discharged thereupon from all liability to the extent of such payment.

SECTION 30. Effect of Notice of Redemption. Notice having been given as aforesaid, and the moneys for the redemption (including the interest to the applicable date of redemption) having been set aside in the Debt Service Fund or deposited with a duly appointed escrow agent, in trust, the Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Bonds to be redeemed as provided in this Resolution and the Contract of Purchase, together with interest to such redemption date, shall be held by the Paying Agent or deposited with a duly appointed escrow agent, in trust, so as to be available therefor on such redemption date, and any conditions to such redemption described in the Redemption Notice shall be met, and if notice of redemption thereof shall have been given as aforesaid, then from and after such redemption date, interest on the Bonds to be redeemed shall cease to accrue and become payable. All money held by or on behalf of the Paying Agent for the redemption of Bonds shall be held in trust for the account of the Owners of the Bonds so to be redeemed.

All Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Resolution and the Contract of Purchase shall be cancelled upon surrender thereof and delivered to or upon the order of the District. All or any portion of a Bond purchased by the District shall be cancelled by the Paying Agent upon written notice by the District given to the Paying Agent.

SECTION 31. Paying Agent; Appointment and Acceptance of Duties.

(a) The Treasurer of the County is hereby appointed as the initial authenticating agent, bond registrar, transfer agent and paying agent, and may act through its designated agent, The Bank of New York Mellon Trust Company, N.A. (collectively, the “**Paying Agent**”). All fees and expenses incurred for services of the Paying Agent shall be the responsibility of the District and may be paid from the annual *ad valorem* property tax levy supporting the Bonds. The Paying Agent shall keep accurate records of all funds administered by it and all of the Bonds paid and discharged by it.

(b) Unless otherwise provided, the office of the Paying Agent designated by the Paying Agent shall be the place for the payment of principal of, premium, if any, and interest on the Bonds.

SECTION 32. Liability of Paying Agent. The Paying Agent makes no representations as to the validity or sufficiency of this Resolution or of any Bonds issued hereunder or as to the security afforded by this Resolution, and the Paying Agent shall incur no liability in respect hereof or thereof.

SECTION 33. Evidence on Which Paying Agent May Act. The Paying Agent, upon receipt of any notice, resolution, request, consent, order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Resolution, shall examine such instrument to determine whether it conforms to the requirements of this Resolution and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. The Paying Agent may consult with counsel, who may or may not be counsel to the District, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under this Resolution in good faith and in accordance therewith.

SECTION 34. Compensation. The District shall pay to the Paying Agent from time to time reasonable compensation for all services rendered under this Resolution, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under this Resolution, all of which may, pursuant to Education Code Section 15232, be paid from the County’s annual levy of *ad valorem* property taxes.

SECTION 35. Ownership of Bonds Permitted. The Paying Agent or the Underwriter may become the Owner of any Bonds.

SECTION 36. Resignation or Removal of Paying Agent and Appointment of Successor.

(a) The initially appointed Paying Agent may resign from service as Paying Agent at any time. Prior to such resignation, a new Paying Agent shall be appointed by the District in accordance with applicable law, which shall be the Treasurer or a bank or trust company doing business in and having a corporate trust office in Los Angeles or San Francisco, California, with at least \$75,000,000 in net assets. Such successor Paying Agent shall signify the acceptance of its duties and obligations hereunder by executing and delivering to the District a written acceptance thereof. Resignation of the initial or a successor Paying Agent shall be effective upon appointment and acceptance of a successor Paying Agent.

(b) Any Paying Agent appointed may resign from service as Paying Agent and may be removed at any time by the District as provided in the Paying Agent's service agreement. If at any time the Paying Agent shall resign or be removed, a new Paying Agent shall be appointed in accordance with applicable law, which shall be either the Treasurer or a bank or trust company doing business in and having a corporate trust office in Los Angeles or San Francisco, California, with at least \$75,000,000 in net assets. Such successor Paying Agent shall signify the acceptance of its duties and obligations hereunder by executing and delivering to the District, a written acceptance thereof. Resignation or removal of the Paying Agent shall be effective upon appointment and acceptance of a successor Paying Agent.

(c) In the event of the resignation or removal of the Paying Agent, such Paying Agent shall pay over, assign and deliver any moneys held by it as Paying Agent to its successor. The District shall promptly provide notice of the name and principal corporate trust office address of the Paying Agent appointed to replace any resigned or removed Paying Agent to the Owners of the Bonds by first-class mail, postage prepaid, at their addresses appearing on the Bond Register.

SECTION 37. Investment of Certain Funds. Moneys held in all funds and accounts established hereunder shall be invested and reinvested in Authorized Investments to the fullest extent practicable as shall be necessary to provide moneys when needed for payments to be made from such funds and accounts, subject to any conditions in the Tax Certificate and Section 10 of this Resolution. All investment earnings on amounts on deposit in the Debt Service Fund shall remain on deposit in such fund.

SECTION 38. Valuation and Sale of Investments. Obligations purchased as an investment of moneys in any fund or account shall be deemed at all times to be a part of such fund or account. Profits or losses attributable to any fund or account shall be credited or charged to such fund or account. In computing the amount in any fund or account created under the provisions of this Resolution for any purpose provided in this Resolution, obligations purchased as an investment of moneys therein shall be valued at cost, plus, where applicable, accrued interest.

SECTION 39. Supplemental Resolutions with Consent of Owners. This Resolution, and the rights and obligations of the District and of the Owners of the Bonds issued hereunder, may be modified or amended at any time by a Supplemental Resolution adopted by the District with the written consent of Owners owning at least 60% in aggregate Principal Amount of the Outstanding Bonds, exclusive of Bonds, if any, owned by the District. Notwithstanding the foregoing, no such modification or amendment shall, without the express consent of the Owner of each Bond affected, reduce the Principal Amount of any Bond, reduce the interest rate payable thereon, advance the earliest redemption date thereof, extend its maturity or the times for paying interest thereon or change the monetary medium in which principal and interest is payable, nor shall any modification or amendment reduce the percentage of consents required for amendment or modification. No such Supplemental Resolution shall change or modify any of the rights or obligations of any Paying Agent without its written assent thereto. Notwithstanding anything herein to the contrary, no such consent shall be required if the Owners are not directly and adversely affected by such amendment or modification.

SECTION 40. Supplemental Resolutions Effective Without Consent of Owners. For any one or more of the following purposes and at any time or from time to time, a Supplemental

Resolution of the District may be adopted, which, without the requirement of consent of the Owners, shall be fully effective in accordance with its terms:

(a) To add to the covenants and agreements of the District in this Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(b) To add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(c) To confirm as further assurance, any pledge, lien or security interest under, and the subjection to any lien, security interest or pledge created or to be created by this Resolution, of any moneys, securities or funds, or to establish any additional funds, or accounts to be held under this Resolution;

(d) To cure any ambiguity, supply any omission, or cure to correct any defect or inconsistent provision in this Resolution; or

(e) To amend or supplement this Resolution in any other respect, *provided* such Supplemental Resolution does not, in the opinion of Bond Counsel, adversely affect the interests of the Owners.

SECTION 41. Effect of Supplemental Resolution. Any act done pursuant to a modification or amendment so consented to shall be binding upon the Owners of all the Bonds and shall not be deemed an infringement of any of the provisions of this Resolution, whatever the character of such act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after consent relating to such specified matters has been given, no Owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the District or any officer or agent thereof from taking any action pursuant thereto.

SECTION 42. Defeasance. If any or all Outstanding Bonds shall be paid and discharged in any one or more of the following ways:

(a) by paying or causing to be paid the principal of, premium, if any, and interest on such Bonds, and when the same become due and payable;

(b) by depositing with the Paying Agent or with a duly appointed escrow agent, in an irrevocable trust, at or before maturity, cash which together with the amounts then on deposit in the Debt Service Fund (and the accounts therein other than amounts that are not available to pay Debt Service) together with the interest to accrue thereon without the need for further investment, is fully sufficient to pay such Bonds at maturity thereof, including any premium and all interest thereon, notwithstanding that any Bonds shall not have been surrendered for payment; or

(c) by depositing with an institution that meets the requirements of serving as successor Paying Agent pursuant to Section 36 selected by the District, in trust, lawful money or noncallable direct obligations issued by the United States Treasury (including State and Local Government

Series) or obligations which are unconditionally guaranteed by the United States of America and permitted under Section 149(b) of the Code and Regulations which, in the opinion of nationally recognized bond counsel, will not impair the exclusion from gross income for federal income tax purposes of interest on the Bonds, in such amount as will, together with the interest to accrue thereon without the need for further investment, be fully sufficient to pay and discharge such Bonds at maturity or earlier redemption thereof, for which notice has been given or provided for, including any premium and all interest thereon, notwithstanding that any Bonds shall not have been surrendered for payment;

then all obligations of the District and the Paying Agent under this Resolution with respect to such Bonds shall cease and terminate, except only the obligation of the Paying Agent to pay or cause to be paid to the Owners of such Bonds all sums due thereon, the obligation of the District to pay to the Paying Agent amounts owing to the Paying Agent under Section 34 hereof, and the covenants set forth in Section 10 hereof.

SECTION 43. Approval of Actions; Miscellaneous.

(a) The Authorized Officers of the District are each hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all certificates, statements, disclosures, notices, contracts, or other documents which they may deem necessary or advisable in order to proceed with the sale and issuance of the Bonds or otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

(b) The County, the Board of Supervisors, officers, agents, and employees shall not be responsible for any proceedings or the preparation or contents of any resolutions, certificates, statements, disclosures, notices, contracts, or other documents relating to the sale and issuance of the Bonds.

(c) The Principal or redemption price, if any, of and interest on the Bonds shall not constitute a debt or an obligation of the County, the Board of Supervisors, officers, agents, or employees, and the County, the Board of Supervisors, officers, agents, and employees thereof shall not be liable thereon. In no event shall the Principal or redemption price, if any, of and interest on any Bond be payable out of any funds or property of the County.

(d) The Clerk shall send a certified copy of this Resolution, together with the final debt service schedule for the Bonds, to the Treasurer.

SECTION 44. Conflicts. If there is any inconsistency or conflict between any provision of this Resolution and any provision of the Contract of Purchase, the Contract of Purchase prevails to the extent of the inconsistency or conflict. If there is any inconsistency or conflict between any provision of this Resolution and any provision of the Tax Certificate, the Tax Certificate prevails to the extent of the inconsistency or conflict.

SECTION 45. Application of Provisions to Capital Appreciation Bonds. Whenever in this Resolution reference is made to the payment of the principal of and interest on the Bonds, such reference includes payment of the Accreted Value and Maturity Value of the Capital Appreciation Bonds unless otherwise required by the context or by the express provisions of such reference.

SECTION 46. Effective Date. This Resolution shall take effect immediately upon its adoption.

[Remainder of Page Intentionally Left Blank.]

PASSED AND ADOPTED this [15th day of February, 2024], by the Board of Education of Chino Valley Unified School District, at Chino, California, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

**CHINO VALLEY UNIFIED SCHOOL
DISTRICT**

By: _____
President, Board of Education

Attest:

By: _____
Clerk, Board of Education

EXHIBIT A-1

FORM OF CAPITAL APPRECIATION BONDS

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AS DEFINED IN THE RESOLUTION) TO THE BOND REGISTRAR FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY BOND ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

UNITED STATES OF AMERICA

STATE OF CALIFORNIA

**CHINO VALLEY UNIFIED SCHOOL DISTRICT
(SAN BERNARDINO COUNTY, CALIFORNIA)
GENERAL OBLIGATION BONDS
ELECTION OF 2016, SERIES 2024D**

\$ _____ (Maturity Value) No. _____

Accretion Rate

Maturity Date

Dated Date

CUSIP

____%

August 1, 20__

REGISTERED OWNER: CEDE & Co.

DENOMINATIONAL AMOUNT:

MATURITY VALUE:

The Chino Valley Unified School District (the “District”), a unified school district duly organized and existing under the laws of the State of California, located within the County of San Bernardino (the “County”), State of California (the “State”), for value received, hereby acknowledges itself indebted and promises to pay to the Registered Owner named above, or registered assigns, the Maturity Value set forth above, on the Maturity Date set forth above. The Accreted Value (as such term is defined in the within-mentioned Resolution) of this Bond as of any date will be determined in accordance with the Table of Accreted Values set forth hereon from the Dated Date stated above, compounded semiannually on February 1 and August 1 of each year, commencing [August 1, 2024] (each, a “Compounding Date”), on the basis of a 360-day year comprised of twelve 30-day months, at a rate equal to the Accretion Rate per annum set forth above. The Accreted Value hereof is payable upon presentation and surrender of this Bond at the corporate trust office of the paying agent for the Bonds (the “Paying Agent”), initially being The Bank of New York Mellon Trust Company, N.A., as agent of the Treasurer and Tax Collector of

the County, as initial paying agent. The Accreted Value hereof is payable in lawful money of the United States of America to the person in whose name this Bond is registered (the “Owner”) on the Bond registration books maintained by the Paying Agent.

The Bonds are being issued in the form of Current Interest Bonds in the aggregate principal amount of \$ _____ and Capital Appreciation Bonds in the aggregate denominational amount of \$ _____ (of which this Bond is one), all subject to the terms and conditions of the Resolution of the Board of Education of the District adopted on [February 15, 2024] (the “Resolution”). This Bond is one of an authorization of bonds approved to raise money for the purposes authorized by voters of the District at the Election (defined herein) and to pay all necessary legal, financial, engineering and contingent costs in connection therewith under authority of and pursuant to the laws of the State of California, and the requisite vote of the electors of the District cast at a general election held on November 8, 2016 (the “Election”), upon the question of issuing bonds in the amount of \$750,000,000 and the Resolution. This Bond is issued by the District under and in accordance with the provisions of (i) Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code of the State (the “Government Code”); (ii) applicable provisions of the Education Code of the State (the “Education Code”); and (iii) Article XIII A of the California Constitution (collectively, the “Act”), and pursuant to the Resolution. This Bond and the issue of which this Bond is one are payable as to both principal and interest solely from the proceeds of the levy of *ad valorem* property taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount in accordance with Education Code Sections 15250 and 15252. Pursuant to Government Code Section 53515, the Bonds shall be secured by a statutory lien on all revenues received pursuant to the levy and collection of such *ad valorem* property taxes.

Reference is hereby made to the Resolution, a copy of which is on file at the District, for a description of the terms on which the Bonds are delivered, and the rights thereunder of the Owners of the Bonds and the rights and duties of the Paying Agent and the District, to all of the provisions of which the Owner of this Bond, by acceptance hereof, assents and agrees. All capitalized terms used but not otherwise defined herein shall have the respective meanings set forth in the Resolution. The Bonds were authorized by a vote of more than 55% of the qualified electors of the District voting on the proposition at a general election held therein on November 8, 2016, to determine whether such Bonds should be issued.

Reference is made to the Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the Bonds of this series, the rights, duties and obligations of the District, the County, the Paying Agent and the Owners, and the terms and conditions upon which the Bonds are issued and secured. The Owner of this Bond assents, by acceptance hereof, to all of the provisions of the Resolution.

This Bond is a general obligation of the District, payable as to both principal and interest from *ad valorem* property taxes which, under the laws now in force, may be levied without limitation as to rate or amount upon all of the taxable property in the District. Neither the payment of the Maturity Value, or any part thereof, nor Accreted Value constitute a debt, liability or obligation of the County.

The Bonds maturing on or before August 1, 20__ are not subject to redemption prior to their maturity dates. The Bonds maturing on or after August 1, 20__ may be redeemed before maturity at the option of the District, from any source of funds, on August 1, 20__ or on any date thereafter as a whole, or in part.

Bonds maturing on August 1, 20__, are subject to mandatory sinking fund redemption on August 1 of each year, commencing August 1, 20__, in the following principal amounts, at a redemption price of par, plus accrued interest to the redemption date, without premium:

<u>Mandatory Sinking Fund Payment Date</u>	<u>Mandatory Sinking Fund Payment</u>
August 1, 20__	\$
August 1, 20__	
August 1, 20__	
August 1, 20__	

Whenever provision is made for the redemption of Bonds and less than all outstanding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District, shall select Bonds for redemption in such order as the District may direct. Within a maturity, the Paying Agent shall select Bonds for redemption as directed by the District, or, in the absence of such direction, in inverse order of maturity and within a maturity, by lot. The portion of any Bond to be redeemed in part shall be in the Maturity Value of \$5,000 or any integral multiple thereof.

This Bond is issued in fully registered form. Registration of this Bond is transferable by the Owner hereof, in person or by his attorney duly authorized in writing, at the aforesaid offices of the Paying Agent, but only in the manner, subject to the limitations, and upon payment of the charges, provided in the Resolution and upon surrender and cancellation of this Bond. Upon such registration of transfer, a new Bond or Bonds of like tenor and maturity in the same Transfer Amount and in authorized denominations will be issued to the transferee in exchange herefor. The District and the Paying Agent may treat the Owner hereof as the absolute owner hereof for all purposes, whether or not this Bond shall be overdue, and shall not be affected by any notice to the contrary.

The Paying Agent shall not be required to register the transfer or exchange of any Bond (i) during the period beginning at the close of business on any Record Date through the close of business on the immediately following Interest Payment Date, or (ii) that has been called or is subject to being called for redemption, during a period beginning at the opening of business 15 days before any selection of Bonds to be redeemed through the close of business on the applicable redemption date, except for the unredeemed portion of any Bond to be redeemed only in part.

The rights and obligations of the District and of the owners of the Bonds may be modified or amended at any time by a supplemental resolution adopted by the District with the written consent of owners of at least 60% in aggregate Maturity Value of the Outstanding Bonds, exclusive of Bonds, if any, owned by the District; *provided, however*, that no such modification or amendment shall, without the express consent of the Owner of each Bond affected, reduce the Accretion Rate of any Bond, reduce the interest rate payable thereon, advance the earliest

redemption date thereof, extend its maturity or the times for paying interest thereon or change the monetary medium in which the Maturity Value and interest is payable, nor shall any modification or amendment reduce the percentage of consents required for amendment or modification hereof.

A supplemental resolution of the District may be adopted, which, without the requirement of consent of the registered owners, shall be fully effective in accordance with its terms: (1) to add to the covenants and agreements of the District in the Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with the Resolution as theretofore in effect; (2) to add to the limitations and restrictions in the Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with the Resolution as theretofore in effect; (3) to confirm as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by the Resolution, of any moneys, securities or funds, or to establish any additional funds or accounts to be held under the Resolution; (4) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in the Resolution; or (5) to amend or supplement the Resolution in any other respect, *provided* such supplemental resolution does not, in the opinion of nationally recognized bond counsel, adversely affect the interests of the owners.

If this Bond is called for redemption and the Maturity Value of this Bond plus premium, if any, and accrued interest due with respect hereto are duly provided therefor as specified in the Resolution, then interest shall cease to accrue with respect hereto from and after the date fixed for redemption.

This Bond shall not become valid or obligatory for any purpose until the Certificate of Authentication hereon endorsed shall have been dated and executed manually by the Paying Agent.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED, that an election was duly and legally called, held and conducted, and the notices thereof duly given, and the results thereof canvassed and declared in accordance with the provisions of the Act and that all of the proceedings of the Board of Education of the District in the matter of the issuance of this Bond were regular and in strict accordance with the provisions of the Act, including the Constitution of the State, that the total bonded indebtedness of the District, including the issue of which this Bond is a part, does not exceed any limit prescribed by said Act, and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay the Maturity Value and interest when due.

IN WITNESS WHEREOF, the Chino Valley Unified School District has caused this Bond to be executed in their official capacities by the manual or facsimile signature of the President of the Board of Education of the District and countersigned by the manual or facsimile signature of the Clerk to the Board of Education of the District as of the date stated above.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

By: [Form Document]
President of the Board of Education

Countersigned:

By: [Form Document]
Clerk of the Board of Education

The following Certificate of Authentication shall be printed on each Bond:

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds described in the within-mentioned Resolution of the Board of Education of the Chino Valley Unified School District.

DATED: _____, 2024

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A., as Paying Agent

By: _____
[Form Document]
Authorized Officer

FORM OF ASSIGNMENT

FOR VALUE RECEIVED, the undersigned registered owner hereby sells, assigns and transfers unto

Name of Transferee: _____

Address for Payment of Interest: _____

Social Security Number or other Tax Identification No.: _____

the within-mentioned Bond and hereby irrevocably constitutes and appoints _____, attorney, to transfer the same on the books of the Paying Agent with full power of substitution in the premises.

Registered Owner

Dated: _____

NOTICE: The signature on this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature _____
guaranteed

[Bank, Trust Company or Firm]

By: _____
Authorized Officer

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

EXHIBIT A-2

FORM OF CURRENT INTEREST BOND

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AS DEFINED IN THE RESOLUTION) TO THE BOND REGISTRAR FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY BOND ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

UNITED STATES OF AMERICA

STATE OF CALIFORNIA

**CHINO VALLEY UNIFIED SCHOOL DISTRICT
(SAN BERNARDINO COUNTY, CALIFORNIA)
GENERAL OBLIGATION BONDS
ELECTION OF 2016, SERIES 2024D**

\$ _____ No. _____

Interest Rate

Maturity Date

Dated Date

CUSIP

____%

August 1, 20__

Date of Delivery

REGISTERED OWNER: CEDE & Co.

PRINCIPAL AMOUNT:

The Chino Valley Unified School District (the “District”), a unified school district duly organized and existing under the laws of the State of California, located within the County of San Bernardino (the “County”), State of California (the “State”), for value received, hereby acknowledges itself indebted and promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount set forth above, on the Maturity Date set forth above, together with interest thereon from the Dated Date set forth above until the Principal Amount hereof shall have been paid or provided for, in accordance with the Resolution hereinafter referred to, at the Interest Rate set forth above. Interest on this Bond is payable on [August 1, 2024], and semiannually thereafter on the first day of February and August (each, an “Interest Payment Date”) in each year to the registered owner hereof (the “Owner”) from the Interest Payment Date next preceding the date on which this Bond is registered, unless it is registered after the close of business on the fifteenth calendar day of the month next preceding any Interest Payment Date (a “Record Date”) and before the close of business on the immediately following Interest Payment Date, in which event it shall bear interest from such following Interest Payment Date, or unless this Bond is registered prior to the close of business on [July 15, 2024], in which event it shall bear interest from its date; *provided, however*, that if at the time of registration of this Bond interest with respect

hereto is in default, interest with respect hereto shall be payable from the Interest Payment Date to which interest has previously been paid or made available for payment. The principal amount hereof is payable at the office of The Bank of New York Mellon Trust Company, N.A., as agent of the Treasurer and Tax Collector of the County, as initial paying agent (the "Paying Agent"), in Houston, Texas. The interest hereon is payable by wire transfer to the Owner appearing on the Bond Register on the Record Date, to the account specified by the Owner in a written request delivered to the Paying Agent on or prior to the Record Date for such Interest Payment Date; *provided, however*, that payments of defaulted interest shall be payable to the person in whose name such Bond is registered at the close of business on a special record date fixed therefor by the Paying Agent, which shall not be more than fifteen days and not less than ten days prior to the date of the proposed payment of defaulted interest.

The Bonds are being issued in the form of Current Interest Bonds in the aggregate principal amount of \$_____ (of which this Bond is one) and Capital Appreciation Bonds in the aggregate denominational amount of \$_____, all subject to the terms and conditions of the Resolution. This Bond is issued by the District under and in accordance with the provisions of (i) Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code of the State; (ii) applicable provisions of the Education Code of the State; and (iii) Article XIII A of the California Constitution (collectively, the "Act"), and pursuant to a resolution of the Board of Education of the District adopted on [February 15, 2024] (the "Resolution"). Reference is hereby made to the Resolution, a copy of which is on file at the District, for a description of the terms on which the Bonds are delivered, and the rights thereunder of the Owners of the Bonds and the rights and duties of the Paying Agent and the District, to all of the provisions of which the Owner of this Bond, by acceptance hereof, assents and agrees. All capitalized terms used but not otherwise defined herein shall have the respective meanings set forth in the Resolution. The Bonds were authorized by a vote of more than 55% of the qualified electors of the District voting on the proposition at a general election held therein on November 8, 2016, to determine whether such Bonds should be issued.

Reference is made to the Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the Bonds of this series, the rights, duties and obligations of the District, the County, the Paying Agent and the Owners, and the terms and conditions upon which the Bonds are issued and secured. The Owner of this Bond assents, by acceptance hereof, to all of the provisions of the Resolution.

This Bond is a general obligation of the District, payable as to both principal and interest from *ad valorem* property taxes which, under the laws now in force, may be levied without limitation as to rate or amount upon all of the taxable property in the District. Neither the payment of the principal of this Bond, or any part thereof, nor any interest or premium hereon constitute a debt, liability or obligation of the County.

The Bonds maturing on or before August 1, 20__ shall not be subject to redemption prior to their maturity dates. The Bonds maturing on or after August 1, 20__ may be redeemed before maturity at the option of the District, from any source of funds, on August 1, 20__ or on any date thereafter as a whole, or in part. For the purposes of such selection, Bonds will be deemed to consist of \$5,000 portions by principal amount, and any such portion may be separately redeemed.

Bonds maturing on August 1, 20__, are subject to mandatory sinking fund redemption on August 1 of each year, commencing August 1, 20__, in the following principal amounts, at a redemption price of par, plus accrued interest to the redemption date, without premium:

<u>Mandatory Sinking Fund Payment Date</u>	<u>Mandatory Sinking Fund Payment</u>
August 1, 20__	\$
August 1, 20__	
August 1, 20__	
August 1, 20__	

Whenever provision is made for the redemption of Bonds and less than all outstanding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District, shall select Bonds for redemption in such order as the District may direct. Within a maturity, the Paying Agent shall select Bonds for redemption as directed by the District, or, in the absence of such direction, in inverse order of maturity and within a maturity, by lot. The portion of any Bond to be redeemed in part shall be in the principal amount of \$5,000 or any integral multiple thereof.

This Bond is issued in fully registered form. Registration of this Bond is transferable by the Owner hereof, in person or by his attorney duly authorized in writing, at the aforesaid offices of the Paying Agent, but only in the manner, subject to the limitations, and upon payment of the charges, provided in the Resolution and upon surrender and cancellation of this Bond. Upon such registration of transfer, a new Bond or Bonds of like tenor and maturity in the same Transfer Amount and in authorized denominations will be issued to the transferee in exchange herefor. The District and the Paying Agent may treat the Owner hereof as the absolute owner hereof for all purposes, whether or not this Bond shall be overdue, and shall not be affected by any notice to the contrary.

The Paying Agent shall not be required to register the transfer or exchange of any Bond (i) during the period beginning at the close of business on any Record Date through the close of business on the immediately following Interest Payment Date, or (ii) that has been called or is subject to being called for redemption, during a period beginning at the opening of business 15 days before any selection of Bonds to be redeemed through the close of business on the applicable redemption date, except for the unredeemed portion of any Bond to be redeemed only in part.

The rights and obligations of the District and of the owners of the Bonds may be modified or amended at any time by a supplemental resolution adopted by the District with the written consent of owners of at least 60% in aggregate Principal Amount of the Outstanding Bonds, exclusive of Bonds, if any, owned by the District; *provided, however*, that no such modification or amendment shall, without the express consent of the Owner of each Bond affected, reduce the Principal Amount of any Bond, reduce the interest rate payable thereon, advance the earliest redemption date thereof, extend its maturity or the times for paying interest thereon or change the monetary medium in which the principal and interest is payable, nor shall any modification or amendment reduce the percentage of consents required for amendment or modification hereof.

A supplemental resolution of the District may be adopted, which, without the requirement of consent of the registered owners, shall be fully effective in accordance with its terms: (1) to add to the covenants and agreements of the District in the Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with the Resolution as theretofore in effect; (2) to add to the limitations and restrictions in the Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with the Resolution as theretofore in effect; (3) to confirm as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by the Resolution, of any moneys, securities or funds, or to establish any additional funds or accounts to be held under the Resolution; (4) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in the Resolution; or (5) to amend or supplement the Resolution in any other respect, *provided* such supplemental resolution does not, in the opinion of nationally recognized bond counsel, adversely affect the interests of the owners.

If this Bond is called for redemption and the principal amount of this Bond plus premium, if any, and accrued interest due with respect hereto are duly provided therefor as specified in the Resolution, then interest shall cease to accrue with respect hereto from and after the date fixed for redemption.

This Bond shall not become valid or obligatory for any purpose until the Certificate of Authentication hereon endorsed shall have been dated and executed manually by the Paying Agent.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED, that an election was duly and legally called, held and conducted, and the notices thereof duly given, and the results thereof canvassed and declared in accordance with the provisions of the Act and that all of the proceedings of the Board of Education of the District in the matter of the issuance of this Bond were regular and in strict accordance with the provisions of the Act, including the Constitution of the State, that the total bonded indebtedness of the District, including the issue of which this Bond is a part, does not exceed any limit prescribed by said Act, and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due.

IN WITNESS WHEREOF, the Chino Valley Unified School District has caused this Bond to be executed in their official capacities by the manual or facsimile signature of the President of the Board of Education of the District and countersigned by the manual or facsimile signature of the Clerk to the Board of Education of the District as of the date stated above.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

By: [Form Document]
President of the Board of Education

Countersigned:

By: [Form Document]
Clerk of the Board of Education

The following Certificate of Authentication shall be printed on each Bond:

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds described in the within-mentioned Resolution of the Board of Education of the Chino Valley Unified School District.

DATED: _____, 2024

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A., as Paying Agent

By: _____
[Form Document]
Authorized Officer

FORM OF ASSIGNMENT

FOR VALUE RECEIVED, the undersigned registered owner hereby sells, assigns and transfers unto

Name of Transferee: _____

Address for Payment of Interest: _____

Social Security Number or other Tax Identification No.: _____

the within-mentioned Bond and hereby irrevocably constitutes and appoints _____, attorney, to transfer the same on the books of the Paying Agent with full power of substitution in the premises.

Registered Owner

Dated: _____

NOTICE: The signature on this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature _____
guaranteed

[Bank, Trust Company or Firm]

By: _____
Authorized Officer

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

EXHIBIT B

FORM OF 15C2-12 CERTIFICATE

With respect to the proposed sale of its General Obligation Bonds, Election of 2016, Series 2024D in an aggregate principal amount of not to exceed \$143,500,133.25, the Chino Valley Unified School District (the “**District**”) has delivered to you a Preliminary Official Statement, dated as of the date hereof (the “**Preliminary Official Statement**”). The District, for purposes of compliance with Rule 15c2-12 of the Securities Exchange Commission (“**Rule 15c2-12**”), deems the Preliminary Official Statement to be final as of its date, except for the omission of no more than the information permitted under Rule 15c2-12.

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Dated: _____, 2024

By: [Form Document]

Authorized Officer

EXHIBIT C

**DISCLOSURES REQUIRED BY EDUCATION CODE SECTIONS
15146(b)(1)(E) AND 15146(c)**

[See attached]

Chino Valley Unified School District
General Obligation Bonds, Election of 2016, Series 2024D
AB 182 Information
Exhibit C

Date	Option 1 - CABS & CIBs				Option 2 - CIBs		Option 1		Option 2	
	Principal	Current Interest	Compounded Interest	Total Debt Service	Principal	Current Interest	Estimated Election of 2016 Tax Rates	Estimated Election of 2016 Tax Rates	Estimated Election of 2016 Tax Rates	Estimated Election of 2016 Tax Rates
8/1/2024	-	\$894,730.69	-	\$894,730.69	-	\$1,708,884.03	\$51.27	\$51.27	\$51.27	\$51.27
8/1/2025	\$1,720,000.00	3,320,650.00	-	5,040,650.00	\$1,720,000.00	8,062,250.00	59.98	59.98	59.98	59.98
8/1/2026	2,080,000.00	3,234,650.00	-	5,314,650.00	2,080,000.00	8,336,250.00	59.96	59.96	59.96	59.96
8/1/2027	-	3,130,650.00	-	3,130,650.00	-	6,152,250.00	59.99	59.99	59.99	59.99
8/1/2028	318,783.50	3,130,650.00	\$31,216.50	3,480,650.00	-	6,152,250.00	59.96	59.96	59.96	59.96
8/1/2029	569,113.60	3,130,650.00	70,886.40	3,770,650.00	-	6,152,250.00	59.94	59.94	59.94	59.94
8/1/2030	819,277.20	3,130,650.00	125,722.80	4,075,650.00	-	6,152,250.00	59.94	59.94	59.94	59.94
8/1/2031	1,071,626.00	3,130,650.00	198,374.00	4,400,650.00	-	6,152,250.00	59.94	59.94	59.94	59.94
8/1/2032	1,323,670.15	3,130,650.00	291,329.85	4,745,650.00	-	6,152,250.00	59.98	59.98	59.98	59.98
8/1/2033	1,588,977.60	3,130,650.00	406,022.40	5,125,650.00	-	6,152,250.00	59.96	59.96	59.96	59.96
8/1/2034	1,848,125.70	3,130,650.00	546,874.30	5,525,650.00	-	6,152,250.00	59.96	59.96	59.96	59.96
8/1/2035	2,079,343.80	3,130,650.00	730,656.20	5,940,650.00	-	6,152,250.00	59.95	59.95	59.95	59.95
8/1/2036	2,310,745.50	3,130,650.00	959,254.50	6,400,650.00	-	6,152,250.00	59.98	59.98	59.98	59.98
8/1/2037	2,509,285.05	3,130,650.00	1,225,714.95	6,865,650.00	-	6,152,250.00	59.94	59.94	59.94	59.94
8/1/2038	2,707,393.15	3,130,650.00	1,527,606.85	7,365,650.00	-	6,152,250.00	59.98	59.98	59.98	59.98
8/1/2039	2,935,259.25	3,130,650.00	1,859,740.75	7,925,650.00	-	6,152,250.00	59.99	59.99	59.99	59.99
8/1/2040	3,146,963.20	3,130,650.00	2,213,036.80	8,490,650.00	-	6,152,250.00	59.94	59.94	59.94	59.94
8/1/2041	3,349,449.30	3,130,650.00	2,605,550.70	9,085,650.00	-	6,152,250.00	59.95	59.95	59.95	59.95
8/1/2042	3,557,435.90	3,130,650.00	3,052,564.10	9,740,650.00	-	6,152,250.00	59.97	59.97	59.97	59.97
8/1/2043	3,767,135.40	3,130,650.00	3,542,864.60	10,440,650.00	-	6,152,250.00	59.97	59.97	59.97	59.97
8/1/2044	3,973,418.80	3,130,650.00	4,086,581.20	11,190,650.00	-	6,152,250.00	59.99	59.99	59.99	59.99
8/1/2045	4,159,989.60	3,130,650.00	4,670,010.40	11,960,650.00	-	6,152,250.00	59.95	59.95	59.95	59.95
8/1/2046	4,345,068.00	3,130,650.00	5,314,932.00	12,790,650.00	-	6,152,250.00	59.97	59.97	59.97	59.97
8/1/2047	11,763,007.00	3,130,650.00	10,191,993.00	25,085,650.00	9,810,000.00	15,962,250.00	59.98	59.98	59.98	59.98
8/1/2048	12,520,724.60	2,966,450.00	11,079,275.40	26,566,450.00	11,230,000.00	16,989,850.00	59.97	59.97	59.97	59.97
8/1/2049	13,467,412.80	2,772,050.00	11,882,587.20	28,122,050.00	12,755,000.00	18,065,650.00	59.96	59.96	59.96	59.96
8/1/2050	7,315,000.00	2,545,250.00	-	9,860,250.00	15,305,000.00	20,105,450.00	43.59	43.59	43.59	43.59
8/1/2051	7,460,000.00	2,252,650.00	-	9,712,650.00	16,115,000.00	20,303,250.00	43.54	43.54	43.54	43.54
8/1/2052	8,525,000.00	1,954,250.00	-	10,479,250.00	18,060,000.00	21,603,650.00	43.53	43.53	43.53	43.53
8/1/2053	9,675,000.00	1,613,250.00	-	11,288,250.00	20,145,000.00	22,966,250.00	43.50	43.50	43.50	43.50
8/1/2054	11,045,000.00	1,129,500.00	-	12,174,500.00	22,630,000.00	24,444,000.00	42.89	42.89	42.89	42.89
8/1/2055	11,545,000.00	577,250.00	-	12,122,250.00	13,650,000.00	682,500.00	Max	Max	Max	Max
Total	\$143,497,205.10	\$89,004,330.69	\$66,612,794.90	\$299,114,330.69	\$143,500,000.00	\$172,425,234.03	Average	Average	Average	Average
					\$413,512,319.59	\$455,182,968.52				

Notes:
- Tax rates shown are per \$100,000 of AV
- In certain years, the estimated tax rate of Option 2 exceeds the maximum tax rate allowable under Prop. 39 of \$60 per \$100,000 of AV
- The estimated change in AV is 5% over the term of the bonds

	Option 1 - CABS & CIBs				Option 2 - CIBs			
	Principal (\$)	Principal (% of total)	Debt Service	Debt Ratio	Principal	Principal (% of total)	Debt Service	Debt Ratio
CABS	\$69,497,205.10	48.43%	\$136,110,000.00	1.96-to-1				
CIBs	\$74,000,000.00	51.57%	\$163,004,330.69	2.20-to-1	\$143,500,000.00	100.00%	\$315,925,234.03	2.20-to-1
Total	\$143,497,205.10	100.00%	\$299,114,330.69	2.08-to-1	\$143,500,000.00	100.00%	\$315,925,234.03	2.20-to-1
TIC	3.67%							
Finance Charge (\$)	\$1,145,737.42							
Finance Charge (%)	0.80%							

EXHIBIT C-1

G-17 Letter

[See attached]

April 26, 2023

Ms. Sandra Chen
Associate Superintendent, Business Services
Chino Valley Unified School District
5130 Riverside Drive
Chino, CA, 91710

Re: Underwriter Engagement Relating to Potential Municipal Securities Transaction
Chino Valley Unified School District
Election of 2016, Series D General Obligation Bonds
Refundings of: 2014 General Obligation Refunding Bonds
2017 General Obligation Refunding Bonds
Election of 2016, Series A, General Obligation Bonds

Dear Sandra:

The Chino Valley Unified School District (the “District”) and Stifel, Nicolaus & Company, Incorporated (“Stifel”), are entering into this engagement letter to confirm that they are engaged in discussions related to the potential issuance of municipal securities referenced above (the “Bonds”) and to formalize Stifel’s role as underwriter with respect to the sale of the Bonds.

Engagement as Underwriter

The District is aware of the “Municipal Advisor Rule” of the Securities and Exchange Commission (“SEC”) and the underwriter exclusion from the definition of “municipal advisor” for a firm serving as an underwriter for a particular issuance of municipal securities. The District hereby designates Stifel as an underwriter for the Bonds. The District expects that Stifel will provide advice to the District on the structure, timing, terms and other matters concerning the Bonds.

Limitation of Engagement

It is the District’s intent that Stifel serve as an underwriter for the Bonds, subject to satisfying applicable procurement laws or policies, formal approval by the District’s Board of Education, finalizing the structure of the Bonds and executing a bond purchase agreement. While the District presently engages Stifel as the underwriter for the Bonds, this engagement letter is preliminary, nonbinding and may be terminated at any time by the District, without penalty or liability for any costs incurred by Stifel. Furthermore, this engagement letter does not restrict the District from entering into the sale of the Bonds with any other underwriters or selecting an underwriting syndicate that does not include Stifel.

Disclosures Required by MSRB Rule G-17 Concerning the Role of the Underwriter

The District confirms and acknowledges the following disclosures, as required by the Municipal Securities Rulemaking Board (MSRB) Rule G-17 as set forth in MSRB Notice 2019-20 (Nov. 8, 2019)¹:

The following G-17 conflict of interest disclosures are broken down into three types, including: 1) dealer-specific conflicts of interest disclosures (if applicable); 2) transaction-specific disclosures (if applicable); and 3) standard disclosures.

1. Dealer-Specific Conflicts of Interest Disclosures

Stifel has not identified any additional potential² material conflicts of interest.

2. Transaction-Specific Disclosures: Disclosures Concerning Complex Municipal Securities Financing:

Since we have not recommended a “complex municipal securities financing” to the District, additional disclosures regarding the financing structure for the Bonds are not required under MSRB Rule G-17.

3. Standard Disclosures

- **Disclosures Concerning the Underwriter’s Role:**
 - MSRB Rule G-17 requires an underwriter to deal fairly at all times with both issuers and investors.
 - The underwriter’s primary role is to purchase the Bonds with a view to distribution in an arm’s-length commercial transaction with the Issuer. The underwriters have financial and other interests that differ from those of the Issuer.

¹ Revised Interpretive Notice Concerning the Application of MSRB Rule G-17 to Underwriters of Municipal Securities (effective Mar. 31, 2021).

² When we refer to potential material conflicts throughout this letter, we refer to potential conflicts that are reasonably likely to mature into actual material conflicts during the course of the transaction, which is the standard required by MSRB Rule G-17.

- o Unlike a municipal advisor, an underwriter does not have a fiduciary duty to the Issuer under the federal securities laws and is, therefore, not required by federal law to act in the best interests of the Issuer without regard to its own financial or other interests.
 - o The Issuer may choose to engage the services of a municipal advisor with a fiduciary obligation to represent the Issuer's interest in the transaction.
 - o The underwriters have a duty to purchase the securities from the Issuer at a fair and reasonable price, but must balance that duty with their duty to sell the securities to investors at prices that are fair and reasonable.
 - o The underwriters will review the official statement for the securities, if any, in accordance with, and a part of, their respective responsibilities to investors under the federal securities laws, as applied to the facts and circumstances of this transaction.³
- Disclosures Concerning the Underwriter's Compensation:
 - o The underwriter will be compensated by a fee and/or an underwriting discount that will be set forth in the bond purchase agreement to be negotiated and entered into in connection with the issuance of the Bonds. Payment or receipt of the underwriting fee or discount will be contingent on the closing of the transaction and the amount of the fee or discount may be based, in whole or in part, on a percentage of the principal amount of the Bonds. While this form of compensation is customary in the municipal securities market, it presents a potential conflict of interest since the underwriter may have an incentive to recommend to the District a transaction that is unnecessary or to recommend that the size of the transaction be larger than is necessary.

It is our understanding that you have the authority to bind the District by contract with us, and that you are not a party to any conflict of interest relating to the subject transaction. If our understanding is incorrect, please notify us.

We are required to seek your acknowledgement of the receipt of this letter. Accordingly, please sign and return a copy of this letter to the undersigned as a PDF. We look forward to working with the District on the sale of the Bonds. Do not hesitate to contact us with any questions regarding the content of this letter.

Sincerely,
Stifel, Nicolaus & Company, Incorporated



Robert Barna
Managing Director

Chino Valley Unified School District accepts and acknowledges the foregoing.

Accepted and Executed:

Sandra Chen, Associate Superintendent, Business Services

Date: _____

cc: Greg Stachura, *Chino Valley Unified School District*
Chet Wang, *Keygent*
Ann La Morena Rohlin, *Norton Rose Fulbright*
David Casnocha, *Stradling Yocca Carlson & Rauth*
Esther Jin, *Stifel*

³ Under federal securities law, an issuer of securities has the primary responsibility for disclosure to investors. The review of the official statement by the underwriter is solely for purposes of satisfying the underwriter's obligations under the federal securities laws and such review should not be construed by an issuer as a guarantee of the accuracy or completeness of the information in the official statement.

January 8, 2024

Ms. Sandra Chen
Associate Superintendent, Business Services
Chino Valley Unified School District
5130 Riverside Drive
Chino, CA 91710

Re: MSRB G-17 Complex Municipal Securities Financing Disclosure – Capital Appreciation Bonds
General Obligation Bonds, Election of 2016, Series 2024D

Dear Sandra,

Under MSRB Rule G-17, the Underwriter must provide an issuer with disclosures about “complex municipal securities financings” that they recommend to the issuer for a negotiated offering. Capital Appreciation Bonds (“CAB”) may be considered a “complex municipal securities financing”.

The following is a general description of Capital Appreciation Bonds, as well as a general description of certain financial risks that you should consider before deciding whether to issue CABs.

Financial Characteristics

A Capital Appreciation Bond (CAB) is a bond on which the interest accretes, or compounds on itself, and is not paid out periodically. This can be contrasted with a traditional Current Interest Bond (CIB). The issuer of a CIB pays interest periodically to the bondholder, and pays back the principal at maturity. The issuer of a CAB pays no periodic interest to the bondholder. Instead, on each accretion date (the date when interest would normally be paid on a CIB) the interest is computed and then compounded, or essentially added to the principal. At maturity, the issuer repays the principal, all of the interest, and all of the interest on interest.

Financial Risk Considerations

Listed below are certain factors and risks to be considered when issuing CABs:

1. The rate of interest on a CAB is typically higher than a CIB of the same maturity.
2. The total debt service, or total principal and interest paid, on a CAB will be more than on a CIB of corresponding maturity. This is due to two reasons: first, the CAB interest rate is higher, which leads to more interest being paid. Second, since each interest payment is accreted, or added to principal, the issuer is paying interest on interest.
3. Due to no payments being made on a CAB until maturity, the maturity value can be large in comparison to the original principal amount. The longer the term the CAB is outstanding, the greater the maturity value compared to the original principal amount.
4. Often CABs are issued without an optional call provision. (Note: For CABs issued in California, Assembly Bill 182 requires that CABs maturing more than 10 years after its date of issuance to be subject to optional redemption before its fixed maturity date, beginning no later than the 10th anniversary of the date the CAB was issued.)
5. If a CAB has an optional call provision, it often requires a higher adjustment on the yield at the time of sale (reflecting the value of the call provision) than a comparable CIB.
6. The costs associated with selling CABs, primarily the underwriters discount, is usually greater on a CAB than on a comparable CIB based on original bond proceeds.

Please do not hesitate to contact us with any questions regarding the content of this letter.

Sincerely,
Stifel, Nicolaus & Company, Incorporated



Robert Barna
Managing Director