

RESOLUTION

RESOLUTION ORDERING THAT THE SEDONA-OAK CREEK JOINT UNIFIED SCHOOL DISTRICT NO. 9 OF YAVAPAI AND COCONINO COUNTIES, ARIZONA, HOLD A SPECIAL ELECTION ON NOVEMBER 5, 2024 TO REQUEST AUTHORIZATION TO SELL, LEASE OR EXCHANGE DISTRICT PROPERTY.

WHEREAS, Sedona-Oak Creek Joint Unified School District No. 9 of Yavapai and Coconino Counties, Arizona (the “*District*”) owns certain real property described in the ballot question attached hereto as Exhibit A (the “*Real Property*”); and

WHEREAS, under Arizona law a school district may not, under certain circumstances, sell, lease or exchange real property without approval of the district’s voters; and

WHEREAS, under Arizona law, a school district may use the proceeds of the lease or sale of real property (i) to pay any outstanding bonded indebtedness, (ii) to reduce taxes, or (iii) with certain limitations, to pay maintenance and operation expenditures, or (iv) if approved by a district’s voters, to purchase school sites or to construct, improve or furnish school facilities; and

WHEREAS, pursuant to this resolution the Governing Board of the District (the “*Board*”) will order that a special site sale election be held in and for the District on November 5, 2024;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF SEDONA-OAK CREEK JOINT UNIFIED SCHOOL DISTRICT NO. 9 OF YAVAPAI AND COCONINO COUNTIES, ARIZONA, THAT:

Section 1. Order and Call of Election. A special election (the “*Election*”) is hereby ordered and called to be held in and for this District on November 5, 2024 to submit to the qualified electors of the District the question shown on the form of official ballot, in substantially the form attached hereto as Exhibit A and incorporated by reference herein. The District Superintendent or Associate Superintendent for Business and Support Services is authorized and directed to complete the legal descriptions in the ballot and take such actions as are necessary to assist the Yavapai and Coconino Counties School Superintendents (collectively, the “*County School Superintendent*”) and Yavapai County Elections Department (the “*County Elections Department*”) in performing their duties with respect to the Election.

Section 2. Conduct of Election; Contracts; Expenditures. The Election may be conducted as a mailed ballot election as provided in Arizona Revised Statutes (“A.R.S.”) § 16-409 or a polling place election as determined by the District Superintendent or Associate Superintendent for Business and Support Services. The Board is hereby authorized to request the County School Superintendent and County Elections Department to have ballots printed in substantially the form of Exhibit A and to deliver them to the election officials to be given to the qualified electors of the District appearing to vote in the Election as provided by law. The Board authorizes all expenditures as may be necessary to order, notice, hold and administer the Election, including but not limited to the cost of the return postage to return the voted mail ballots if the Election is conducted as a mailed ballot election to the officer in charge of the Election, which expenditures shall be paid from current operating funds. The District Superintendent or Associate Superintendent for Business and Support Services is authorized and directed to take all acts, including entering into intergovernmental agreements with the County Recorder (the “*County Recorder*”), the County Elections Department or the County School Superintendent, to carry out the Election. The District Superintendent shall cooperate with the County School Superintendent to ensure proper administration of the Election.

Section 3. Notice of Election.

(A) **Posting of Notice.** For a mailed ballot election and polling place election, the District or the County School Superintendent will cause the notice of the Election (the “*Notice*”) in substantially the form attached hereto as *Exhibit B-1* and *Exhibit B-2*, respectively, to be posted not less than 25 days before the Election as required by law.

(B) **Publication of Notice for Mailed Ballot Election.** For a mailed ballot election, the Notice, including the call of Election, which is marked *Exhibit B-1*, shall be published once a week for two successive weeks during any two of the six weeks preceding 150 days before the Election.

Section 4. Early Voting. Early voting will be permitted at the Election in accordance with the provisions of A.R.S. Title 16, Chapter 4, Article 8.

Section 5. Public Declaration: Submission of Arguments. The Board publicly declares that: The County School Superintendent has established August 9, 2024 as the deadline for submitting arguments “for” or “against” the proposed sale, lease or exchange of the real property. The arguments must be received by the County School Superintendent on or before 5:00 p.m. on August 9, 2024. A form of the notice requesting arguments “for” or “against”, including the deadline for submitting arguments is attached hereto as *Exhibit C*. The District Superintendent or Associate Superintendent for Business and Support Services is authorized to revise the form of notice hereto as necessary to comply with all applicable laws or any change of date by the County School Superintendent. The District Superintendent or Assistant Superintendent for Finance and Business Services is authorized to cause the posting of a notice requesting the filing with the County School Superintendent of arguments “for” or “against” the Election on the District’s website.

Section 6. Voting Rights Act. In order to comply with the Voting Rights Act of 1965, as amended, the District, either directly or through the County, shall cause all notices related to this election to be translated into the Navajo language and to be distributed orally via radio and other appropriate means of dissemination. The District, either directly or through the County, shall also provide oral assistance to Navajo speakers in the Navajo language with respect to the following proceedings of the Election: ballot, notice, request for “for” and “against” arguments, Informational Pamphlet, all voting materials and all voting instructions. The officers of the District and the County are further authorized and directed to take all action necessary to comply with the Voting Rights Act of 1965, as amended. The District shall also provide translations in the Spanish language of the same written materials relating to the Election.

Section 7. Submission of Ballot. The District Superintendent or Associate Superintendent for Business and Support Services is hereby directed to cause, at least 85 days before the Election, the draft ballot to be submitted to the County School Superintendent and the Arizona legislative council for review and approval and shall be guided by such rulings.

Section 8. Ballot Replacement Location. The District Superintendent or Associate Superintendent for Business and Support Services shall coordinate with the County School Superintendent and County Elections Department to designate a location for purposes of replacing ballots that have been lost, spoiled, destroyed or not received by the elector.

Section 9. Precincts and Polling Places For purposes of a polling place election which may be held in conjunction with any county, city or special district election of any overlapping jurisdiction, the Board determines that the County election precincts will serve as the District election precincts, including any consolidation of such precincts as determined by the County Elections Department

and the District's Superintendent or designee. The location of each polling place will be determined by the County Elections Department, which will conduct the Election on behalf of the District. The polls will open at 6:00 a.m. and will close at 7:00 p.m. on November 5, 2024.

Section 10. **Canvass.** The County School Superintendent and the Chairman of the Board of Supervisors of Yavapai County are requested to and authorized to canvass the returns of the Election within 30 days of the Election, as required by law.

Section 11. **Other Actions.** The District Superintendent or Associate Superintendent for Business and Support Services is authorized to take all necessary action to facilitate the Election.

Section 12. **Ratification.** All actions of the members of the Board, officers, employees and agents of the District which are in conformity with the purposes and intent of this resolution, whether heretofore or hereafter taken, shall be and are hereby ratified, confirmed, authorized and approved.

Section 13. **Transmission of Resolution.** A certified copy of this Resolution shall be delivered to the County School Superintendent and the County Elections Director.

[Signature on following page]

PASSED AND ADOPTED on April 2, 2024.

President, Governing Board

EXHIBITS A – Sample Ballot
 B-1 – Notice and Call of Special Election (Mailed Ballot Election)
 B-2 – Notice of Special Election (Polling Place Election)
 C – Request for Arguments

[Signature page to Site Sale Election Resolution]

EXHIBIT A

SAMPLE BALLOT
SALE, LEASE OR EXCHANGE OF REAL PROPERTY

SPECIAL ELECTION

Sedona-Oak Creek Joint Unified School District No. 9
of Yavapai and Coconino Counties, Arizona – November 5, 2024

QUESTION

Shall the Governing Board of Sedona-Oak Creek Joint Unified School District No. 9 of Yavapai and Coconino Counties, Arizona, be authorized to sell, lease or exchange the following described parcels of real property, or any portion thereof, and use all or a portion of any such proceeds of any such sale, lease or exchange to purchase school sites and/or to construct, improve, equip and furnish school buildings, to purchase student transportation or other vehicles and/or any other permitted capital expenditure? The real property is described as follows:

Parcel: Site located 25 W. Saddle Horn Road in Sedona, Yavapai County, Arizona, known as the District’s Big Park Community School (approximately 20.8 acres).

Legal Description for APN 405-27-006C:

[IRREG PCL THE SW COR LIES APPROX 480'N OF THE SW SEC COR SEC 13-16-5E CONT 20.80AC].

SALE, LEASE OR EXCHANGE OF REAL PROPERTY, YES	<input type="checkbox"/>
SALE, LEASE OR EXCHANGE OF REAL PROPERTY, NO	<input type="checkbox"/>

EXHIBIT B-1

[MAILED BALLOT ELECTION]

NOTICE AND CALL OF SPECIAL ELECTION

TO THE QUALIFIED ELECTORS OF SEDONA-OAK CREEK JOINT UNIFIED SCHOOL DISTRICT NO. 9 OF YAVAPAI AND COCONINO COUNTIES, ARIZONA:

A special election has been called by, and will be held in, Sedona-Oak Creek Joint Unified School District No. 9 of Yavapai and Coconino Counties, Arizona (the “*District*”), on November 5, 2024 (“*Election Day*”). The purpose of the election is to permit the qualified electors of the District to vote on authorizing the District to sell, lease or exchange all or part of the following described parcels of real property and use all or a portion of any such proceeds of any such sale, lease or exchange to purchase school sites and/or to construct, improve, equip and furnish school buildings, to purchase student transportation or other vehicles and/or any other permitted capital expenditure. The real property is described as follows:

Parcel: Site located 25 W. Saddle Horn Road in Sedona, Yavapai County, Arizona, known as the District’s Big Park Community School (approximately 20.8 acres).

Legal Description for APN 405-27-006C:

[IRREG PCL THE SW COR LIES APPROX 480'N OF THE SW SEC COR SEC 13-16-5E CONT 20.80AC].

The election will be a mailed ballot only election. No polling places will be provided. Ballots will be mailed to qualified electors residing within the District no earlier than 27 days prior to the election and no later than 15 days before the election.

The last day to register to vote in order to be eligible to vote in this election is Monday, October 7, 2024.

Any qualified elector is eligible for early voting. Early voting materials may be obtained by contacting the Yavapai County Elections Department, 2970 Centerpointe East Drive, Prescott, Arizona 86301; telephone: (928) 771-3544. For more information about the foregoing, please review A.R.S. § 15-491 or contact the Sedona-Oak Creek Joint Unified School District No. 9, 995 Upper Red Rock Loop Road, Sedona, Arizona 86336, telephone: (928) 204-6700.

EXHIBIT B-2

[POLLING PLACE ELECTION]

NOTICE OF SPECIAL ELECTION

TO THE QUALIFIED ELECTORS OF SEDONA-OAK CREEK JOINT UNIFIED SCHOOL DISTRICT NO. 9 OF YAVAPAI AND COCONINO COUNTIES, ARIZONA:

A special election will be held in Sedona-Oak Creek Joint Unified School District No. 9 of Yavapai and Coconino Counties, Arizona (the “*District*”), on November 5, 2024, at the following polling places:

Visit <https://www.yavapaivotes.gov/Elections/Vote-Centers> for a list of Vote Centers in Yavapai County or contact the Yavapai County Elections Department at (928) 771-3248.

Visit <https://www.coconino.az.gov/elections> for a list of Vote Centers in Coconino County or contact the Coconino County Elections Department at (928) 679-7896.

The polls will open at 6:00 a.m. and close at 7:00 p.m.

The purpose of the election is to permit the qualified electors of the District to vote on authorizing the District to sell, lease or exchange all or part of the following described parcels of real property and use all or a portion of any such proceeds of any such sale, lease or exchange to purchase school sites and/or to construct, improve, equip and furnish school buildings, to purchase student transportation or other vehicles and/or any other permitted capital expenditure. The real property is described as follows:

Parcel: Site located 25 W. Saddle Horn Road in Sedona, Yavapai County, Arizona, known as the District’s Big Park Community School (approximately 20.8 acres).

Legal Description for APN 405-27-006C:

[IRREG PCL THE SW COR LIES APPROX 480'N OF THE SW SEC COR SEC 13-16-5E CONT 20.80AC].

Any qualified elector is eligible for early voting. Early voting materials may be obtained by contacting the Yavapai County Elections Department, 2970 Centerpointe East Drive, Prescott, Arizona 86301; telephone: (928) 771-3544. For more information about the foregoing, please review A.R.S. § 15-491 or contact the Sedona-Oak Creek Joint Unified School District No. 9, 995 Upper Red Rock Loop Road, Sedona, Arizona 86336, telephone: (928) 204-6700.

EXHIBIT C

**REQUEST FOR ARGUMENTS “FOR” OR “AGAINST” THE
SPECIAL SALE, LEASE OR EXCHANGE OF REAL PROPERTY ELECTION
SEDONA-OAK CREEK JOINT UNIFIED SCHOOL DISTRICT NO. 9**

Sedona-Oak Creek Joint Unified School District No. 9 of Yavapai and Coconino Counties, Arizona (the “*District*”), will hold a special election on Tuesday, November 5, 2024. The purpose of the election is to permit the qualified electors of the District to vote on authorizing the District to sell, lease or exchange all or part of the following described parcels of real property and use all or a portion of any such proceeds of any such sale, lease or exchange to purchase school sites and/or to construct, improve, equip and furnish school buildings, to purchase student transportation or other vehicles and/or any other permitted capital expenditure. The real property is described as follows:

Parcel: Site located 25 W. Saddle Horn Road in Sedona, Yavapai County, Arizona, known as the District’s Big Park Community School (approximately 20.8 acres).

Legal Description for APN 405-27-006C:

[IRREG PCL THE SW COR LIES APPROX 480'N OF THE SW SEC COR SEC 13-16-5E
CONT 20.80AC].

The Yavapai County School Superintendent will be preparing an informational pamphlet that will be mailed to households containing one or more registered electors within the District. Any persons wishing to submit an argument “for” or “against” the proposed sale, lease or exchange of real property (not to exceed 200 words) may do so by mail or hand delivery of the argument to the Yavapai County School Superintendent’s office, 2970 Centerpointe East Drive, Prescott, Arizona 86301, telephone: (928) 771-3544.

To be included in the informational pamphlet, such argument must be received in the office of the Yavapai County School Superintendent on or before 5:00 p.m., August 9, 2024. Such argument must be signed and include the name of the District, the author’s name, the name of any entity submitting an argument, address and telephone number. If the argument is submitted by a political committee, it shall contain the sworn statement of the committee’s chairperson or treasurer. If the argument is submitted by an individual and not on behalf of an organization, a political committee or any other group, the person shall submit the argument with a sworn, notarized statement. The entity and author’s name will be printed in the informational pamphlet. To find fillable forms for submitting an argument, visit the Maricopa County School Superintendent’s website at <https://ycesa.com/election-services/>. The last day to register to vote in order to be eligible to vote in this election is Monday, October 7, 2024. For more information concerning the election, please contact the Sedona-Oak Creek Unified School District, 995 Upper Red Rock Loop Road, Sedona, Arizona 86336, telephone: (928) 204-6700.