

**MEASURE J – IMPARTIAL ANALYSIS**  
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FERNDALE UNIFIED SCHOOL DISTRICT  
SCHOOL FACILITIES BOND MEASURE

Measure J is a bond measure placed on the ballot by the Ferndale Unified School District, which would allow the District to issue bonds in the amount of up to \$9,800,000 and levy a tax to pay for the bond debt, up to \$60 per \$100,000 of assessed property value. The District estimates that the last year in which it will be necessary to collect the debt will be 2057-2058 fiscal year. By the time all interest and principle is paid, the District estimates the total cost of the bonds will be \$19,778,000.

The Measure requires approval of 55 percent of the voters voting in the election to pass.

The California Constitution authorizes a school district or community college district to issue bonds specifically for “the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities,” and “not for any other purpose, including teacher and administrator salaries and other school operating expenses.” The measure must include “a list of specific school facilities projects to be funded by the bond.” The district must “conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.”

Measure J does not provide a specific list of projects. Instead, it lists “examples” of the “types” of projects that may be funded which is “not intended to limit the broader types of projects described and authorized” by the Measure. The Measure includes a requirement for independent annual audits, as required by law, but it will be difficult for an independent audit to “ensure that the funds have been expended only on the specific projects listed” because the Measure does not list specific projects, only examples of types of projects. Listing only the types of projects that may be funded might be enough to withstand a legal challenge to the validity of the measure under *Foothill-De Anza Community College Dist. V. Emerich* (2007) 158 Cal. App. 4<sup>th</sup> 111, though the measure in that case did not contain anything as open-ended as the language in Measure J. However, the lack of specificity could nevertheless give rise to challenges on a project-by-project basis under Elections Code Section 15284.

Measure J authorizes funds to be used for incidental costs, including for services performed by District personnel. This appears to be in conflict with the Constitution’s express prohibition on using bond proceeds for “teacher and administrator salaries and other school operating expense.” However, the California Attorney General has opined that use of bond for salaries is acceptable for the narrow category of costs that arise in connection with, and are incurred only for the duration of, construction projects authorized in the bond measure. Attorney General Opinions are not law, but courts do afford them considerable deference.

