

The Cedar Falls Board of Education is committed to the optimal development of every student. The Board believes for students to have the opportunity to achieve personal, academic, developmental, and social success, there needs to be a positive, safe, and health-promoting learning environment at every level, in every setting.

The District provides a comprehensive learning environment for developing and practicing lifelong wellness behaviors. The entire school environment, not just the classroom, shall be aligned with healthy school district goals to positively influence a student's understanding, beliefs, and habits as they relate to good nutrition and regular physical activity. In accordance with law and this belief, the board commits to the following:

The District will identify at least one goal in each of the following areas:

- **Nutrition Education and Promotion:** Schools will provide nutrition education and engage in nutrition promotion that helps students develop lifelong healthy eating behaviors.
- **Physical Activity:** Schools will provide students with age and grade-appropriate opportunities to engage in physical activity that meet the *Iowa Healthy Kids Act*.
- **Other School-Based Activities that Promote Wellness:** As appropriate, schools will support students, staff, and parents' efforts to maintain a healthy lifestyle.

The following nutritional guidelines for food available on school campuses will be adhered to:

- Meals served through the National School Lunch and School Breakfast Program will be appealing and meet, at a minimum, nutrition requirements established by state and federal law;
- Schools providing access to healthy foods outside the reimbursable meal programs before school, during school and thirty minutes after school shall meet the United States Department of Agriculture ("USDA") Smart Snacks in Schools nutrition standards, at a minimum. This includes such items as those sold through a la carte lines, vending machines, student-run stores, and fundraising activities;
- Snacks provided to students during the school day without charge (e.g., class parties) will meet standards set by the district in accordance with the law. The District will provide parents a list of foods and beverages that meet nutrition standards for classroom snacks and celebrations; and
- Schools will only allow marketing and advertising of foods and beverages that meet the Smart Snacks in School nutrition standards on campus during the school day.

The superintendent, or designee, shall implement and ensure compliance with the policy by:

- Reviewing the policy at least every three years and recommending updates as appropriate for board approval;
- Implementing a process for permitting parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, administrators and the public to participate in the development, implementation, and periodic review and update of the policy;

- Making the policy and updated assessment of the implementation available to the public (e.g., posting on the website, newsletters, etc). This information shall include the extent to which the schools are in compliance with policy and a description of the progress being made in attaining the goals of the policy; and
- Developing administrative regulations, which shall include specific wellness goals and indicators for measurement of progress consistent with law and district policy.

## **WELLNESS REGULATION**

To implement the Wellness Policy, the following District specific goals have been established:

**Goal 1 – Nutrition Education and Promotion:** Schools will provide nutrition education and engage in nutrition promotions that help students develop lifelong healthy eating behaviors. The goal(s) for addressing nutrition education and nutrition promotion include the following.

- Students will be provided with nutrition education that is designed to provide students with the knowledge and skills necessary to promote and protect their health.
- Students will have the opportunity to enjoy developmentally appropriate, culturally relevant, and participatory activities, such as cooking demonstrations or lessons, promotions, and taste testing.
- Nutrition education will extend across all aspects of living and across all education settings where it is appropriate.
- Staff will emphasize a healthy balance between food intake and caloric intake.
- Staff is discouraged from using food or withholding food from a student as a form of punishment or as a way to modify or manipulate behavior.
- Staff will engage in promoting nutrition that:
  - Includes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods and health-enhancing nutrition practices; and links with other meal programs and nutrition-related community services.

**Goal 2 – Physical Activity:** Schools will provide students and staff with age and grade appropriate opportunities to engage in physical activity that meet federal and state guidelines, including the *Iowa Healthy Kids Act*. The goal(s) for addressing physical activity include the following:

- Engage students in moderate to vigorous physical activity for at least fifty percent of Physical Education classes and exercise groups unless medically authorized special needs are verified
- Provide opportunities outside of the school day and other structured exercise groups for students to get exercise and physical activity.

- Include students with disabilities, special health care needs, and provide other alternatives if deemed medically necessary
- Encourage classroom teachers, as well as direct care staff, to provide opportunities for physical activity throughout the day, as appropriate
- Staff is not to use physical activity (e.g. running laps, push-ups) or withhold opportunities for physical activity (e.g. recess, physical education) as punishment.

**Goal 3 – Other School-Based Activities that Promote Student Wellness:** Schools will support student, staff, and parents' efforts to maintain a healthy lifestyle, as appropriate. The goal(s) for addressing other school-based activities that promote student wellness include the following.

Cedar Falls Schools will develop a wellness team that will be comprised of members from direct care staff, program supervisors, client families, donors, nursing staff, teachers, food service workers, community members, and clients who are passionate about health and wellbeing of the students.

- The purpose of the wellness team is to form a group supporting, encouraging, and promoting good nutrition, physical activity, and overall wellbeing for students.
- The wellness team will establish goals for enhancing and promoting nutrition education, encouraging physical activity, and other school and milieu activities to continuously promote client wellness.
- The goals established by the wellness team will be integral to our client's health and lifelong wellbeing.

The Cedar Falls Board of Education's designee shall implement and ensure compliance with the policy by:

- Reviewing the policy at least every three years and recommending updates as appropriate for board approval.
- Implementing a process for permitting direct care staff, program supervisors, student families, donors, nursing staff, teachers, food service workers, community members and clients to participate in the development, implementation, and periodic review and update of the policy.
- Make the policy and updated assessment of the implementation available to the public. This information shall include the extent to which Cedar Falls Schools is in compliance with policy and a description of the progress being made in attaining the goals for the policy.
- The Wellness Policy is reviewed every three years and is updated as needed by the members of the School Wellness Committee.

**Date of Adoption:** May 8, 2006

**Date of Revision:** September 27, 2010  
April 8, 2013  
June 9, 2014  
June 12, 2017  
July 8, 2019  
November 8, 2021

Policy Title:

***Requirements for Graduation  
Cedar Falls Alternative Program***

Code No. **605.10**

The Cedar Falls Alternative Program (CFAP) is designed for students who have not been successful in the regular educational environment and/or may benefit from an alternative delivery of curriculum. The CFAP is designed for students in grades 10-12\*. Students may earn credits to be transferred to the high school or complete their educational program and earn a diploma from the CFAP.

\*Admittance of 10<sup>th</sup> grade students require Administrative approval as best practice would be to give a student every opportunity to earn 10<sup>th</sup> grade core credits in the traditional high school setting.

Credit requirements for graduation at the CFAP are the same as requirements for Cedar Falls High School. A total of 40 credits are necessary to fulfill the requirements for the core diploma. A total of 45 semester credits are necessary to fulfill the requirements for a regular diploma. The following academic requirements must be met:

**ACADEMIC CREDIT REQUIREMENTS FOR GRADUATION – REGULAR DIPLOMA**

Physical Education/Health	4.5 credits
Science	6 credits
Mathematics	6 credits
English	8 credits
Personal Economics	1 credit
Social Studies	6 credits
Fine and/or Practical Arts	2 credits
Electives	<u>11.5 credits</u>
Total credits needed for Regular Diploma	45 credits

**ACADEMIC CREDIT REQUIREMENTS FOR GRADUATION – CORE DIPLOMA**

Physical Education/Health	4.5 credits (.5 credits per semester)
Science	6 credits
Mathematics	6 credits
English	8 credits
Social Studies	6 credits
Personal Economics/Career	
Development/Service Learning*	3 credits*
Electives	<u>6.5 credits</u>
Total credits needed for Core Diploma	40 credits

Credits earned at a student's previous school may be applied toward the graduation requirements for the CFAP.

**Date of Adoption:** August 9, 2004

**Date of Revision:** May 11, 2009  
September 13, 2010  
May 13, 2013  
August 13, 2018  
November 8, 2021

The Board of Education seeks to maintain the highest possible credit ratings for all categories of short- and long-term debt that can be achieved without compromising the delivery of services and the achievement of adopted objectives. The Board recognizes that external economic, natural, or other events may from time to time affect the creditworthiness of its debt. Nevertheless, the Board is committed to ensuring that actions within their control are prudent.

**Debt Limits**

For general obligation debt, the school district's outstanding debt limit shall be no more than five percent (5%) of the actual value of property within the school district's boundaries, as prescribed the Iowa constitution and statutory restrictions.

For revenue debt, the school district's goal is to provide adequate debt service coverage of at least 1.20 times the annual debt service payments.

In accordance with Iowa law, the school district may not act as a conduit issuer or issue municipal securities to raise capital for revenue-generating projects where the funds generated are used by a third party ("conduit borrower") to make payments to investors.

**PURPOSES AND USES OF DEBT****Capital Planning**

To enhance creditworthiness and prudent financial management, the school district is committed to systematic capital planning, intergovernmental cooperation and coordination and long-term financial planning.

**Capital Financing**

The school district may issue long-term debt for capital projects as authorized by Iowa law, which include, but are not limited to, the costs of planning, design, land acquisition, buildings, permanent structures, attached fixtures or equipment, and movable pieces of equipment. Capitalized interest may be included in sizing any capital project debt issue. The types of debt instruments to be used by the school district include:

- General Obligation Bonds
- General Obligation Capital Loan Notes
- Bond Anticipation Notes
- Revenue Anticipation Notes
- School Infrastructure Sales, Services and Use Tax Revenue Bonds
- Lease Purchase Agreements, including Certificates of Participation

### **Working Capital Financing**

The school district may issue debt for working capital for operations after cash flow analysis has determined that there is a mismatch between available cash and cash outflows. The school district shall strive to repay working capital debt by the end of the fiscal year in which the debt was incurred. A Working Capital Reserve may be included in sizing any working capital debt issue.

### **Refundings**

Periodic reviews of all outstanding debt will be undertaken to determine if refunding opportunities exist. Refunding will be considered (within federal tax law restraints) if and when there is a net economic benefit of the refunding or if the refunding is otherwise in the best interests of the school district, such as to release restrictive bond covenants which affect the operations and management of the school district.

In general, advance refundings for economic savings will be undertaken when a net present value savings exceeds three percent of the refunded debt can be achieved. Current refundings, which produce a new present value savings of less than three percent will be considered on a case by case basis taking into consideration bond covenants and general conditions. Refundings with negative savings will not be considered unless there is a compelling objective for doing so.

## **DEBT STANDARDS AND STRUCTURE**

### **Length of Debt**

Debt will be structured for the shortest period consistent with a fair allocation of costs to current and future beneficiaries or users. Long-term debt will not be issued for periods exceeding the useful life or average useful lives of the project or projects to be financed. All debt issued will adhere to state and federal law regarding the length of time the debt may be outstanding.

### **Debt Structure**

Debt will be structured to achieve the lowest possible net cost to the school district given market conditions, the urgency of the capital project, the type of debt being issued, and the nature and type of repayment source. To the extent possible, the school district will design the repayment of its overall debt to rapidly recapture its credit capacity for future use.

Generally, the school district will only issue fixed-rate debt. In very limited circumstances, the school district may issue variable rate debt, consistent with the limitations of Iowa law and upon a finding of the board that the use of fixed rate debt is not in the best interest of the school district and a statement of the reasons for the use of variable rate debt.

All debt may be structured using discount, par or premium coupons, and as serial or term bonds or notes, or any combination thereof, consistent with Iowa law. The school district should utilize the coupon structure that produces the lowest True Interest Cost (TIC) and meeting their financial ability of debt payment, taking into consideration the call option value of any callable maturities.

In a revenue debt, the school district will strive to structure their debt in sinking fund installments for each debt issue that achieves, as nearly as practicable, level debt service within an issue or overall debt service within a particular classification of debt.

Derivatives (including, but not limited to, interest rate swaps, caps, collars, corridors, ceiling and floor agreements, forward agreements, float agreements, or other similar financing arrangements), zero-coupon or capital appreciation bonds are not allowed to be issued consistent with State or Federal law.

### **Decision Analysis to Issue Debt**

Whenever the Board of Education is contemplating the issuance of debt, information will be developed concerning the following four categories commonly used by rating agencies assessing the school district's credit worthiness.

**Debt Analysis** – Debt capacity analysis; purpose for which debt is proposed to be issued; debt structure; debt burden; debt history and trends; and adequacy of debt and capital planning.

**Financial Analysis** – Stability, diversity, and growth rates of tax or other revenue sources; trend in assessed valuation and collections; current budget trends; appraisal of past revenue and expenditure trends; history and long-term trends of revenues and expenditures; evidences of financial planning; adherence to GAAP; audit results; fund balance status and trends in operating and debt funds; financial monitoring systems and capabilities; and cash flow projections

**Governmental and Administrative Analysis** – Government organization structure; location of financial responsibilities and degree of control; adequacy of basic service provision; intergovernmental cooperation/conflict and extent of duplication; and overall planning efforts.

**Economic Analysis** – Geographic and location advantages; population and demographic characteristics; wealth indicators; types of employment, industry and occupation; housing characteristics; new construction; evidences of industrial decline; and trend of the economy.

## **DEBT ISSUANCE**

### **Credit Enhancement**

Credit enhancements (i.e., bond insurance, etc.) may be used, but only when the net debt service on the debt is reduced by more than the costs of the credit enhancement.

### **Costs and Fees**

All costs and fees related to issuing the debt may be paid out of debt proceeds and allocated across all projects receiving proceeds of the debt issue.

### **Method of Sale**

Generally, the District will strive to sell all debt a competitive bidding process. Bids will be awarded on the lowest TIC basis providing other bidding requirements are satisfied.

The school district may sell debt using a negotiated process in extraordinary circumstances when the complexity of the issue requires specialized expertise, when the negotiated sale would result in substantial savings in time or money, or when market conditions of school district credit are unusually volatile or uncertain.

### **Professional Service Providers**

The school district will retain external bond counsel for all debt issues. All debt issued by the school district will include a written opinion by bond counsel affirming that the school district is authorized to issue the debt, stating that the school district has met all Iowa constitutional and statutory requirements necessary for issuance and determining the debt's federal income tax status. The bond counsel retained must have comprehensive municipal debt experience and a thorough understanding of Iowa and federal tax law as it relates to the issuance of the particular debt.

The school district will retain an independent financial advisor. The financial advisor will be responsible for structuring and preparing all offering documents for each debt issue. The financial advisor retained will have comprehensive municipal debt experience, experience with diverse financial structuring and pricing of municipal securities.

The treasurer shall have the authority to periodically select other service providers (e.g., escrow agents, verification agents, trustees, arbitrage consultants, rebate specialist, etc.) as necessary to meet legal requirements and minimize net debt costs. These services can include debt restructuring services and security or escrow purchases.

Compensation for bond counsel, financial advisor and other service providers will be as economical as possible and consistent with industry standards for the desired qualification levels.

## **DEBT MANAGEMENT**

### **Investment of Debt Proceeds**

The school district shall invest all proceeds received from the issuance of debt separate from the school district's consolidated cash pool unless otherwise specified by the authorizing bond resolution or trust indenture. Investments will be consistent with those authorized by Iowa law and the school district's Investment Policy to maintain safety of principal and liquidity of the funds.

### **Arbitrage and Record Keeping Compliance**

The Chief Financial Officer, or designee, shall maintain a system of record keeping, reporting and compliance procedures with respect to all federal tax requirements which are currently, or may become applicable, through the lifetime of all tax-exempt or tax credit bonds.



Federal tax compliance, record-keeping reporting and compliance procedures shall include, but not be limited to:

- 1) Post-issuance compliance procedures (including proper use of proceeds, timely expenditure of proceeds, proper use of bond financed property, yield restriction and rebate, and timely return filing);
- 2) proper maintenance of records to support federal tax compliance;
- 3) investments and arbitrage compliance;
- 4) investments and arbitrage compliance;
- 5) private business use; and
- 6) designation of primary responsibilities for federal tax compliance of all bond financings.

### **Financial Disclosure**

The school district is committed to full and complete financial disclosure, and to cooperating fully with rating agencies, institutional and individual investors, other levels of government, and the general public to share comprehensible and accurate financial information. The school district is dedicated to meeting secondary disclosure requirements on a timely and comprehensive basis, as promulgated by the Securities and Exchange Commission.

The Official Statements accompanying debt issues, Annual Audits, and Continuing Disclosure statements will meet the standards articulated by the Municipal Securities Rulemaking Board (MSRB), through the Electronic Municipal Market Access (EMMA) system, the Government Accounting Standards Board (GASB), the Securities and Exchange Commission (SEC), Generally Accepted Accounting Principles (GAAP) and the Internal Revenue Service (IRS). The treasurer shall be responsible for ongoing debt disclosure as required by any Continuing Disclosure Certificate for any debt issue and for maintain compliance with disclosure standards promulgated by state and federal regulatory bodies.

**Date of Adoption:** August 26, 2013

**Date of Revision:** July 8, 2019  
November 8, 2021

**I. Compliance Coordinator**

The Chief Financial Officer (Coordinator), or designee, shall be responsible for monitoring post-issuance compliance, and

- a) The Coordinator will maintain a copy of the transcript of proceedings in connection with the issuance of any tax-exempt obligations. Coordinator will obtain such records as are necessary to meet the requirements of this policy.
- b) The Coordinator shall consult with bond counsel, a rebate consultant, financial advisor, IRS publications and such other resources as are necessary to understand and meet the requirements of this policy.
- c) Training and education of Coordinator will be sought and implemented upon the occurrence of new developments and upon the hiring of new personnel to implement this policy.

**II. Financing Transcripts**

The Coordinator shall confirm the proper filing of an 8038 Series return, and maintain a transcript of proceedings for all tax-exempt obligations issued by the District, including but not limited to all tax-exempt bonds, notes and lease-purchase contracts. Each transcript shall be maintained until eleven (11) years after the tax-exempt obligation it documents has been retired. Said transcript shall include, at a minimum:

- a) Form 8038s;
- b) minutes, resolutions, and certificates;
- c) certifications of issue price from the underwriter;
- d) formal elections required by the IRS;
- e) trustee statements;
- f) records of refunded bonds, if applicable;
- g) correspondence relating to bond financings; and
- h) reports of any IRS examinations for bond financings.

**III. Proper Use of Proceeds**

The Coordinator shall review the resolution authorizing issuance for each tax-exempt obligation issued by the District, and that the District shall:

- d) obtain a computation of the yield on such issue from the District's financial advisor;
- e) create a separate Project Fund (with as many sub-funds as shall be necessary to allocate proceeds among the projects being funded by the issue) into which the proceeds of issue shall be deposited;
- f) review all requisitions, draw schedules, draw requests, invoices and bills requesting payment from the Project Fund;
- g) determine whether payment from the Project Fund is appropriate, and if so, make payment from the Project Fund (and appropriate sub-fund if applicable);
- h) maintain records of the payment requests and corresponding records showing payment;
- i) maintain records showing the earnings on, and investment of, the Project Fund;
- j) ensure that all investments acquired with proceeds are purchased at fair market value;

- k) identify bond proceeds or applicable debt service allocations that must be invested with a yield-restriction and monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the yield to which such investments are restricted;
- l) maintain records related to any investment contracts, credit enhancement transactions, and the bidding of financial products related to the proceeds;

#### **IV. Timely Expenditure and Arbitrage/Rebate Compliance**

The Coordinator shall review the Tax-Exemption Certificate (or equivalent) for each tax-exempt obligation issued by the District and the expenditure records provided in Section 2 of this policy, above, and shall:

- a) monitor and ensure that proceeds of each such issue are spent within the temporary period set forth in such certificate;
- b) if the District does not meet the “small issuer” exception for said obligation, monitor and ensure that the proceeds are spent in accordance with one or more of the applicable exceptions to rebate as set forth in such certificate;
- c) not less than 60 days prior to a required expenditure date confer with bond counsel and a rebate consultant if the District will fail to meet the applicable temporary period or rebate exception expenditure requirements of the Tax-Exemption Certificate; and
- d) in the event the District fails to meet a temporary period or rebate exception:
  - i. procure a timely computation of any rebate liability and, if rebate is due, file a Form 8038-T and arrange for payment of such rebate liability;
  - ii. arrange for timely computation and payment of “yield reduction payments” (as such term is defined in the Code and Treasury Regulations), if applicable.

#### **V. Proper Use of Bond Financed Assets**

The Coordinator shall:

- a) maintain appropriate records and a list of all bond financed assets. Such records shall include the actual amount of proceeds (including investment earnings) spent on each of the bond financed assets;
- b) with respect to each bond financed asset, the Coordinator will monitor and confer with bond counsel with respect to all proposed:
  - i. management contracts,
  - ii. service agreements,
  - iii. research contracts,
  - iv. naming rights contracts,
  - v. leases or sub-leases,
  - vi. joint venture, limited liability or partnership arrangements,
  - vii. sale of property; or
  - viii. any other change in use of such asset;

- c) maintain a copy of the proposed agreement, contract, lease or arrangement, together with the response by bond counsel with respect to said proposal for at least three (3) years after retirement of all tax-exempt obligations issued to fund all or any portion of bond financed assets; and
- d) In the event the District takes an action with respect to a bond financed asset, which causes the private business tests or private loan financing test to be met, the Coordinator shall contact bond counsel and ensure timely remedial action under IRS Regulation Sections 1.141-12.

## **VI. General Project Records**

For each project financed with tax-exempt obligations, the Coordinator shall maintain, until three (3) years after retirement of the tax-exempt obligations or obligations issued to refund those obligations, the following:

- a) appraisals, demand surveys or feasibility studies,
- b) applications, approvals and other documentation of grants,
- c) depreciation schedules,
- d) contracts respecting the project.

## **VII. Advance Refundings**

The Coordinator shall be responsible for the following current, post issuance and record retention procedures with respect to advance refunding bonds:

- a) Identify and select bonds to be advance refunded with advice from internal financial personnel, and a financial advisor;
- b) The Coordinator shall identify, with advice from the financial advisor and bond counsel, any possible federal tax compliance issues prior to structuring any advance refunding;
- c) The Coordinator shall review the structure with the input of the financial advisor and bond counsel, of advance refunding issues prior to the issuance to ensure (i) that the proposed refunding is permitted pursuant to applicable federal tax requirements if there has been a prior refunding of the original bond issue; (ii) that the proposed issuance complies with federal income tax requirements which might impose restrictions on the redemption date of the refunded bonds; (iii) that the proposed issuance complies with federal income tax requirements which allow for the proceeds and replacement proceeds of an issue to be invested temporarily in higher yielding investments without causing the advance refunding bonds to become "arbitrage bonds"; and (iv) that the proposed issuance will not result in the issuer's exploitation of the difference between tax exempt and taxable interest rates to obtain an financial advantage nor overburden the tax exempt market in a way that might be considered an abusive transaction for federal tax purposes.
- d) The Coordinator shall collect and review data related to arbitrage yield restriction and rebate requirements for advance refunding bonds. To ensure such compliance, the Coordinator shall engage a rebate consultant to prepare a verification report in connection with the advance refunding issuance. Said report shall ensure said requirements are satisfied.
- e) The Coordinator shall, whenever possible, purchase SLGS to size each advance refunding escrow. The financial advisor shall be included in the process of subscribing SLGS. To the extent SLGS are not available for purchase, the Coordinator shall, in consultation with bond counsel and the financial advisor, comply with IRS regulations.

- f) To the extent as issuer elects to the purchase a guaranteed investment contract, the Coordinator shall ensure, after input from bond counsel, compliance with any bidding requirements set forth by the IRS regulations.
- g) In determining the issue price for any advance refunding issuance, the Coordinator shall obtain and retain issue price certification by the purchasing underwriter at closing.
- h) After the issuance of an advance refunding issue, the Coordinator shall ensure timely identification of violations of any federal tax requirements and engage bond counsel in attempt to remediate same in accordance with IRS regulations.

**Date of Adoption:** August 26, 2013

**Date of Revision:** July 8, 2019  
November 8, 2021

**Article I*****Key Participants and Responsibilities***Section 1.01 Disclosure Coordinator

By adoption of this Policy, the District hereby appoints the Chief Financial Officer, or designee to act as the Disclosure Coordinator hereunder.

Section 1.02 Responsibilities

The Disclosure Coordinator is responsible for the following tasks:

- (A) reviewing and approving all preliminary and final official statements relating to the District's Securities, together with any supplements, for which a Disclosure Agreement is required (each, an "Official Statement"), before such documents are released, in accordance with Article III below;
- (B) moderating Board of Directors' approval of all Financial Obligations triggering a Listed Event Notice under any new Disclosure Agreement entered into after February 27, 2019;
- (C) reviewing the District's status and compliance with Disclosure Agreements, including filings of disclosure documents thereunder and in compliance with this Policy, in accordance with Articles IV and V below;
- (D) serving as a "point person" for personnel to communicate issues or information that should be or may need to be included in any disclosure document;
- (E) recommending changes to this Policy to the Board of Directors as necessary or appropriate;
- (F) communicating with third parties, including coordination with outside consultants assisting the District, in the preparation and dissemination of disclosure documents to make sure that assigned tasks have been completed on a timely basis and make sure that the filings are made on a timely basis and are accurate;
- (G) in anticipation of preparing disclosure documents, soliciting "material" information (as defined for purposes of federal securities law) from Employees identified as having knowledge of or likely to have information of Listed Events under Article IV or relevant to Disclosure Agreements;
- (H) maintaining records documenting the District's compliance with this Policy; and
- (I) ensuring compliance with training procedures as described below.

The responsibilities of the Disclosure Coordinator to make certain filings with the Municipal Securities Rulemaking Board (MSRB) under Articles III (Annual Report Filings) and IV (Listed Event Filings) may be delegated by contract to a dissemination agent, under terms approved by the Board of Directors.

The Disclosure Coordinator shall instruct Employees of the obligation to communicate with the Disclosure Coordinator on any information relating to financial obligations or amendments to existing financial obligations promptly following occurrence.

## Article II

### *Official Statements*

#### Section 2.01 Review and Approval of Official Statements

Whenever the District issues Securities, an Official Statement may be prepared. Each of these Official Statements contains information relating to the District's finances. The Disclosure Coordinator (with advice from Bond Counsel, any retained Disclosure Counsel, and/or Financial Advisor) shall have primary responsibility for ensuring that all such information is accurate and not misleading in any material aspect. The Official Statement may also include a certification that the information contained in the Official Statement regarding the District, as of the date of each Official Statement, does not contain any untrue statement of material fact or omit to state any material fact necessary to make the information contained in the Official Statement, in light of the circumstances under which it was provided, not misleading. When undertaking review of a final or preliminary Official Statement, the Disclosure Coordinator shall:

- (A) review the Official Statement to ensure: (i) that there are no material misstatements or omissions of material information in any sections, (ii) that the information relating to the District that is included in the Official Statement is accurate, and (iii) that when necessary the information relating to the District has been reviewed by a knowledgeable Employee or other appropriate person;
- (B) draft, or cause to be drafted, for the Official Statement descriptions of (i) any material current, pending or threatened litigation, (ii) any material settlements or court orders and (iii) any other legal issues that are material information for purposes of the Official Statement; and
- (C) report any significant disclosure issues and concerns to the Board of Directors (with advice, as necessary, from Bond Counsel, retained Disclosure Counsel, if any, and/or Financial Advisor).

#### Section 2.02 Submission of Official Statements to Board of Directors for Approval

The Disclosure Coordinator shall submit all Official Statements to the Board of Directors for review and approval. The Board of Directors shall undertake such review it deems necessary. This may include consultation with the Disclosure Coordinator, Bond Counsel, retained Disclosure Counsel, if any, and/or the Financial Advisor to fulfill the District's responsibilities under applicable federal and state securities laws.

## Article III

### *Annual Report Filings*

#### Section 3.01 Overview

Under the Disclosure Agreements the District has entered into in connection with certain of its Securities, the District is required each year to file Annual Reports with the Electronic Municipal Market Access (EMMA) system. Such Annual Reports are generally required to include:

- (1) certain updated financial and operating information as outlined in each Disclosure Agreement, and
- (2) the District's audited financial statements.

The documents, reports and notices required to be submitted to the MSRB pursuant to this Policy shall be submitted through EMMA in one or more electronic document format files as required by the Rule at the time of filing, and shall be accompanied by identifying information, in the manner prescribed by the MSRB, or in such other manner as is consistent with the Rule. To facilitate the District's Disclosure Agreements the Disclosure Coordinator shall:

- (A) maintain a record of all Disclosure Agreements of the District using a chart which shall identify and docket all deadlines;
- (B) schedule email reminders on the EMMA website for each issue of Securities to help ensure timely filing of financial disclosures;
- (C) ensure that preparation of the Annual Reports commences as required under each specific Disclosure Agreement; and
- (D) comply with the District's obligation to file Annual Reports by submitting or causing the required (i) annual financial information and operating data and (ii) audited financial statements to be submitted to the MSRB through EMMA.
  - i. In the event audited financial statements are not available by the filing deadline imposed by the Disclosure Agreement, the Disclosure Coordinator shall instead timely submit or cause to be submitted unaudited financial statements, with a notice to the effect that the unaudited financial statements are being provided pending the completion of audited financial statements and that the audited financial statements will be submitted to EMMA when they have been prepared. In the event neither audited nor unaudited financial statements are timely posted, the District shall cause to be filed a "failure to file notice" in accordance with the Rule. The failure to file notice for audited financial statements shall include information describing the nature and/or cause of the failure to meet the contractual deadline and, if available, an approximate timeframe for when the completed audited financial statement is expected to be submitted. Audited financial statements shall be filed as soon as available. If updated financial and operating information is not posted by the filing deadline, the Disclosure Coordinator shall cause a "failure to file notice" to be posted to EMMA in accordance with the Rule.
  - ii. All documents submitted to the MSRB through EMMA that are identified by specific reference to documents already available to the public on the MSRB's Internet website or filed with the SEC shall be clearly identified by cross reference.



## Article IV

### *Listed Event Filings*

#### Section 4.01 Disclosure of Listed Events

The District is obligated to disclose to the MSRB notice of certain specified events with respect to the Securities (a "Listed Event"). Employees shall be instructed to notify the Disclosure Coordinator upon becoming aware of any of the Listed Events in the District's Disclosure Agreements. The Disclosure Coordinator may consult with Bond Counsel, retained Disclosure Counsel, if any, or the Financial Advisor, to determine if an occurrence is a Listed Event, and whether a filing is required or is otherwise desirable. If such a filing is deemed necessary, the Disclosure Coordinator shall cause a notice of the Listed Event (a "Listed Event Notice") that complies with the Rule to be prepared, and the Disclosure Coordinator shall cause to be filed the Listed Event Notice as required by the Rule as follows:

- (A) Prior to issuance of new Securities after February 27, 2019, a complete list of current Financial Obligations shall be compiled and submitted to the Disclosure Coordinator for continuous monitoring regarding compliance with all Disclosure Agreements entered on or after February 27, 2019.
- (B) The Disclosure Coordinator shall:
  - i. monitor and periodically review the Listed Events identified on Exhibit A, in connection with the Disclosure Agreements identified on the chart in Exhibit B to determine whether any event has occurred that may require a filing with EMMA. To the extent Disclosure Coordinator determines notice for an event is not required based on the event not achieving a level of materiality, Disclosure Coordinator shall document the basis for the determination.
  - ii. In a timely manner, not in excess of ten (10) business days after the occurrence of the Listed Event, file a Listed Event Notice for Securities to which the Listed Event applies.
- (C) For Securities to which the Listed Event or Events are applicable, the Listed Event Notice shall be filed in a timely manner not in excess of ten (10) business days after the occurrence of the Listed Event.
- (D) The Disclosure Coordinator shall monitor Securities data on EMMA regarding rating agency reports for rated Securities and may subscribe to any available ratings agency alert service regarding the ratings of any Securities.

## Article V

### *Miscellaneous*

#### Section 5.01 Documents to be Retained

The Disclosure Coordinator shall be responsible for retaining records demonstrating compliance with this Policy. The Disclosure Coordinator shall retain an electronic or paper file ("Transcript") for each Annual Report the District completes. Each Transcript

shall include final versions of documents submitted to the MSRB through EMMA, and any documentation related to determinations of materiality (or immateriality) of Listed Events. The Transcript shall be maintained for the period that the applicable Securities are outstanding, and for a minimum of five [5] years after the date the final Annual Report for an issue of Securities is posted on EMMA.

#### Section 5.02 Education and Training

The District shall conduct periodic training to assist the Disclosure Coordinator, Employees and the Supervisors, as necessary and appropriate, in understanding and performing their responsibilities under this Policy. Such training sessions may include a review of this Policy, the disclosure obligations under the Disclosure Agreement(s), applicable federal and state securities laws, including the Listed Events in Exhibit A, and the disclosure responsibilities and potential liabilities of members of District staff and members of the Board of Directors. Training sessions may include meetings with Bond Counsel, retained Disclosure Counsel, if any, Dissemination Agent, if any, or Financial Advisor, and teleconferences, attendance at seminars or conferences where disclosure responsibilities are discussed, and/or recorded presentations. Disclosure Coordinator shall maintain a record of training activities in furtherance of this Policy.

#### Section 5.03 Public Statements Regarding Financial Information

Whenever the District makes statements or releases information relating to its finances to the public that is reasonably expected to reach investors and the trading markets (including, without limitation, all Listed Event Notices, statements in the annual financial reports, and other financial reports and statements of the District), the District is obligated to ensure that such statements and information are accurate and complete in all material aspects. The Disclosure Coordinator shall assist the Board of Directors, the Superintendent, and District's Attorneys in ensuring that such statements and information are accurate and not misleading in any material aspect. Employees shall, to the extent possible, coordinate statements or releases as outlined above with the Disclosure Coordinator. Investment information published on the District's website shall include a cautionary statement referring investors to EMMA as the official repository for the District's Securities-related data.

**Date of Adoption:** November 8, 2021

## **EXHIBIT A**

### **LISTED EVENTS**

*The following events automatically trigger a requirement to file on EMMA within ten (10) business days of their occurrence (listed events are subject to change by the SEC):*

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, *if material*;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, *if material*;
- (8) Bond calls, *if material*, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, *if material*;
- (11) Rating changes;

(12) Bankruptcy, insolvency, receivership or similar event of the obligated person<sup>1</sup>;

Note to paragraph (b)(5)(i)(C)(12):

For the purposes of the event identified in paragraph (b)(5)(i)(C)(12) of this section, the event is considered to occur when any of the following occur: The appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, *if material*;

(14) Appointment of a successor or additional Director or the change of name of a Director, *if material*;

*Additionally, the following events apply to Disclosure Agreements entered by the District on or after February 27, 2019:*

(15) Incurrence of a Financial Obligation of the obligated person, *if material*<sup>2</sup>, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the obligated person, any of which affect security holders, *if material*<sup>\*</sup>; and

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<sup>1</sup> The term "obligated person" for purposes of the Rule shall mean the party, if other than the District, responsible for the Securities, e.g. in a conduit issue sold through the District, the conduit party would be the "obligated person" under the Disclosure Agreement.

<sup>2</sup> Materiality is determined upon the incurrence of each distinct Financial Obligation, taking into account all relevant facts and circumstances. A Financial Obligation is considered to be incurred when it is enforceable against the District. Listed Event Notices for Financial Obligations (e.g. under 15 and 16 above) should generally include a description of the material terms of the Financial Obligation, including: (i) date of the incurrence, (ii) principal amount, (iii) maturity and amortization; (iv) interest rate(s), if fixed, or method of computation, if variable, (v) other

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the obligated person, any of which reflect financial difficulties.

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appropriate terms, based on the circumstances. In addition to a summary of material terms, the District may alternatively, or in addition, submit related materials, such as transaction documents (which may require some redaction), terms sheets prepared in connection with the Financial Obligation, or continuing covenant agreements or financial covenant reports.

**Suggested Practices in Submitting Annual Financial Information to EMMA\***

**Annual Financial Information is to be submitted to EMMA as follows:**

- through the EMMA Dataport;
- in one or more electronic word-searchable portable document format files configured to permit documents to be saved, viewed, printed and retransmitted by electronic means (“properly formatted pdf file”); and
- indexed by the submitter as “Annual Financial Information and Operating Data” – this EMMA indexing category should be used for all submissions consisting of one or both parts of an annual financial information submission. A submission should be indexed in EMMA by the submitter as “Annual Financial Information and Operating Data” if it consists of complete annual financial information (including audited financial statements and/or the CAFR).

**If the audited financial statements have not been prepared in time to meet the deadline:**

- file unaudited financial statements with a notice to the effect that the unaudited financial statements are being provided pending completion of audited financial statements and that the audited financial statements will be submitted to EMMA when they have been prepared.

**If annual financial information is provided by reference to other submitted documents file:**

- a notice that includes specific reference to a document available on the EMMA website or the SEC (such as, but not limited to, an official statement), to the extent that such document in fact includes the information required to be included in the annual financial information; and
- the submitter should confirm that such document in fact is available from the EMMA website or the SEC and should include in such notice (A) a textual description of the document that includes the required information, with sufficient detail for a reasonable person to determine the precise document being referenced, and (B) an active hyperlink to the pdf file of such document as then posted on the EMMA website or to the SEC’s EDGAR system; further, if such document includes audited financial statements, the submitter should also index such submission as “Audited Financial Statements or CAFR” in addition to (but not instead of) “Annual Financial Information and Operating Data” unless the submitter submits such audited financial statements separately to EMMA.

**Failure to file notices are to be submitted to EMMA as follows:**

- through the EMMA Dataport;

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- as an electronic word-searchable and properly formatted pdf file; and
- indexed by the submitter as "Failure to Provide Annual Financial Information."

*\* Procedures subject to change.*

NAME OF ISSUE/PRINCIPAL AMOUNT	DATE OF ISSUE	FINAL MATURITY DATE	CUSIP FOR FINAL MATURITY	DATE BY WHICH ANNUAL REPORTS MUST BE FILED (OR "EXEMPTION" UNDER THE RULE)	ANNUAL REPORTS INFORMATION TO BE FILED	SOURCE OF INFORMATION	DATE INFORMATION WAS FILED

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