

RESOLUTION NO. 071216-2

RESOLUTION OF THE BOARD OF TRUSTEES OF THE SAN JOSÉ-EVERGREEN COMMUNITY COLLEGE DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the “Board”) of the San José-Evergreen Community College District (the “District”), comprised of San Jose City College and Evergreen Valley College, has determined that certain educational facilities need to be constructed, renovated, acquired and equipped, in a fiscally prudent manner, to enable the District to maintain San Jose City College and Evergreen Valley College as valuable community resources that provide an affordable education to local students and veterans who desire to learn job skills and transfer to four-year universities; and

WHEREAS, since the costs of attending California’s public universities has risen to at least six times that of attending a community college, more local students are relying on community colleges, such as San Jose City College and Evergreen Valley College, and the high quality, affordable college options they each provide; and

WHEREAS, in today’s tough economic times and competitive job environment, the District must continue providing important job training and education for local residents entering the workforce for new professions and increase opportunities for local students to earn college credits, certifications and job skills at a reasonable price; and

WHEREAS, the San Jose City and Evergreen Valley Colleges have served thousands of military veterans, many of whom have recently returned from war zones and face post-traumatic stress disorder and permanent disabilities and need better access to job placement programs and facilities, and need to be trained or retrained as they re-enter the civilian workforce; and

WHEREAS, the State is not providing the District with enough money for the District to adequately maintain San Jose City College and Evergreen Valley College educational facilities and academic programs; and

WHEREAS, the Board has received information regarding the feasibility of a local bond measure and the District’s bonding capacity; and

WHEREAS, a local measure will provide funds that cannot be taken away by the State to support local college transfer and job training; and

WHEREAS, a local measure will permit the District to ensure a healthy work and study environment by improving campus safety, improving disabled access, removing lead paint and asbestos, repair aging water pipes and drinking fountains, repairing deteriorating water and sewer lines, and replace outdated electrical wiring; and

WHEREAS, a local measure will permit the District to ensure the safety of faculty, staff and students by upgrading door safety locks, security cameras, emergency notification system and lighting for student safety; and

WHEREAS, such a local measure will include mandatory taxpayer protections, including an independent citizens' oversight of all funds and mandatory annual financial audits to ensure funds are spent only as authorized; and

WHEREAS, the Board and District has solicited stakeholder and community input on priorities from students, faculty, staff, business and civic leaders, and the community; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional funding for job training and workforce preparation for students of all ages, veterans and local residents and to improve facilities for course opportunities in science, technology, engineering, nursing, and other technical vocational careers, by means of a general obligation bond issued in a financially prudent manner; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which reduced the voter threshold for *ad valorem* tax levies used to pay for debt service or bonded indebtedness to 55% of the votes cast on a community college district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the "Act") became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain performance audits, standards of financial accountability and citizen oversight which are contained in Proposition 39 and the Act; and

WHEREAS, the Board determines that, in accordance with Opinion No. 04-110 of the Attorney General of the State of California, the restrictions in Proposition 39, which prohibit any bond money to be used for administrator salaries and other operating expenses of the District shall be strictly monitored by the District's Citizens' Oversight Committee; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation, the Board has determined that, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the Proposition 39 limits per year per \$100,000 of assessed valuation of taxable property; and

WHEREAS, Elections Code Section 9400 *et seq.* of the Elections Code (the "Elections Code") requires that a tax rate statement be contained in all official materials, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, the Board now desires to authorize the filing of a tax rate statement and ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on November 8, 2016, and to request the Santa Clara County Registrar of Voters to perform certain election services for the District; and

WHEREAS, in the judgment of the Board, it is advisable to request the Santa Clara County Registrar of Voters to call an election pursuant to Proposition 39 on the question of whether general obligation bonds shall be issued and sold on behalf of the District for purposes set forth below.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE SAN JOSÉ-EVERGREEN COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, Sections 15264 *et seq.* and Government Code Section 53506, hereby requests the Santa Clara County Registrar of Voters to call an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount of \$748,000,000 (the “Bonds”) shall be issued and sold to raise money for the purposes described in Exhibits “A” and “B” hereto. Both exhibits are directed to be printed in the voter sample ballot pamphlet.

Section 2. That the date of the election shall be November 8, 2016.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit “A” and incorporated by reference herein, containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. In compliance with Proposition 39 and the Act, the ballot proposition in Exhibit “A” is subject to the following requirements and determinations:

(a) the proceeds of the sale of the Bonds shall only be used for the purposes set forth in the ballot measure and not for any other purpose, including faculty and administrator salaries and other college operating expenses;

(b) that the Board, in compliance with Proposition 39, and in establishing the projects set forth in Exhibit “B”, evaluated the needs of returning veterans, safety, university transfer, enrollment trends, class size reduction, class availability, information technology and technical job training facilities of the District;

(c) that the Board will cause to be conducted an annual, independent performance audit to ensure that the Bond moneys get expended for the projects identified in Exhibits “A” and “B” hereto;

(d) that the Board will cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended and accounted for;

(e) that the Board will cause the appointment of a Citizens’ Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Education Code Section 15274. The Citizens’ Oversight Committee shall initially consist of at least seven (7) members and at no time consist of less than seven (7) members, with the possible exception of brief periods to fill any unexpected vacancies. The Citizens’ Oversight Committee may not include any employee or official of the District or any vendor, contractor or consultant of the District. The Citizens’ Oversight Committee shall include all

of the following: One (1) member who is active in a business organization representing the business community located within the District; One (1) member who is active in a senior citizens' organization; One member who is active in a bona fide taxpayer association. In furtherance of its specifically enumerated purposes, the Citizens' Oversight Committee may engage in any of the following activities relating solely and exclusively to the expenditure of the Proposition 39 bond proceeds:

- (i) Receive and review copies of the annual, independent financial and performance audits performed by independent consultant(s);
- (ii) Inspect District facilities and grounds to ensure that Proposition 39 bond revenues are expended in compliance with applicable law;
- (iii) Receive and review copies of all scheduled maintenance proposals or plans developed by the District;
- (iv) Review efforts of the District to maximize Proposition 39 bond revenues by implementing cost-saving programs; and

(f) that the tax levy authorized to secure the bonds of this election shall not exceed the Proposition 39 limits per \$100,000 of taxable property in the District when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution.

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.*, 15340 *et seq.* and 15264 *et seq.* and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Education Code Section 5322.

Section 6. That the Santa Clara County Registrar of Voters, the Santa Clara County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2016 within the District, and pursuant to Elections Code Section 10403, the District acknowledges that the consolidation election will be held and conducted in the manner described in Election Codes Section 10418.

Section 7. That this Resolution shall stand as the "order of election" to the Santa Clara County Registrar of Voters to call an election within the boundaries of the District on November 8, 2016.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the Santa Clara County Registrar of Voters no later than August 12, 2016.

Section 9. That the bonds shall be issued pursuant to Education Code Section 15300 *et seq.* or issued pursuant to Government Code Section 53506. The maximum rate of interest on any bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531. The Board approves the filing of a Tax Rate Statement and primary and rebuttal arguments, as appropriate, and directs their publication in accordance with the requirements of the Elections Code.

Section 10. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass be made by any body or official authorized by law to canvass the returns of the election, and that the Board consents to such consolidation.

Section 11. Pursuant to Education Code Section 5303 and Elections Code Section 10002, the Santa Clara County Board of Supervisors is requested to permit their Registrar of Voters to render all services specified by Elections Code Section 10418, for which services the District agrees to reimburse Santa Clara County such services to include the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Elections Code Section 9401) pursuant to the terms of Education Code Section 5363 and Elections Code Section 12112.

ADOPTED, SIGNED AND APPROVED this 12th day of July, 2016.

BOARD OF TRUSTEES OF THE SAN JOSÉ-
EVERGREEN COMMUNITY COLLEGE
DISTRICT

By _____
Board President

Attest:

Secretary

STATE OF CALIFORNIA)
)ss
SANTA CLARA COUNTY)

I, Dr. Deborah Budd, do hereby certify that the foregoing is a true and correct copy of Resolution No. ____ which was duly adopted by the Board of Trustees of the San José-Evergreen Community College District at meeting thereof held on the 12th day of July 2016, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary

EXHIBIT A

“SAN JOSÉ CITY/ EVERGREEN VALLEY COLLEGE JOB TRAINING/ TECHNOLOGY/ CLASSROOM REPAIR MEASURE. To repair/ upgrade classrooms to prepare students/ veterans for jobs/ university transfer by repairing/ building nursing, engineering, vocational, technology, science/ job training classrooms, improving campus, earthquake safety/ disabled access, remove asbestos/ lead paint, acquiring, constructing, repairing sites, facilities/ equipment, shall San José-Evergreen Community College District issue \$748,000,000 in bonds at legal rates, no money for administrators’ salaries/ pensions, requiring citizen oversight, independent audits, all funds used locally?”

Bonds - Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
SAN JOSÉ-EVERGREEN COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION NOVEMBER 8, 2016

“**SAN JOSÉ CITY/ EVERGREEN VALLEY COLLEGE JOB TRAINING/ TECHNOLOGY/ CLASSROOM REPAIR MEASURE.** To repair/ upgrade classrooms to prepare students/ veterans for jobs/ university transfer by repairing/ building nursing, engineering, vocational, technology, science, job training classrooms, improving campus, earthquake safety/ disabled access, remove asbestos/ lead paint, acquiring, constructing, repairing sites, facilities/ equipment, shall San José-Evergreen Community College District issue \$748,000,000 in bonds at legal rates, no money for administrators’ salaries/ pensions, requiring citizen oversight, independent audits, all funds used locally?”

Bonds - Yes

Bonds – No

PROJECTS

The Board of Trustees of the San José-Evergreen Community College District, to be responsive to the needs of its community, evaluated San Jose City College’s and Evergreen Valley College’s urgent and critical facility needs, and its capacity to provide students, active military, and **Veterans** with support and **job training** facilities, an **affordable education** and prepare them for success in **college** and **careers**. **Job training** facilities, **safety** issues, class size and offerings, and information and computer technology were each considered in developing the scope of projects to be funded, as such are outlined in the District’s Facilities Master Plans Vision 2030 prepared for each San Jose City College and Evergreen Valley College, each dated January 2016 and each incorporated herein by reference in their entirety (together, the “Master Plan”), and available for review on the District’s website (www.sjeccd.edu). In developing the scope of projects, **basic repairs**, job training facilities, **campus safety**, facilities supporting Veterans, and the expansion of opportunities for local students to receive an **affordable**, quality **education**, were **prioritized**. If these facility needs are not addressed now, the District’s Colleges would be unable to remain competitive in preparing students for jobs in high demand industries and **university transfer**. The Board of Trustees determines that **San Jose City College and Evergreen Valley College MUST:**

- (i) **Increase opportunities for local students to earn college credits, certifications and job skills at reasonable prices and transfer to four-year colleges and universities;**
- (ii) **Upgrade and expand Veteran services and job training so returning Veterans receive the support they need to complete their education and enter the civilian workforce;**
- (iii) **Expand essential job training and workforce preparation for students, veterans and local residents;**
- (iv) **Provide local students with an affordable, low-cost, high-quality education;**
- (v) **Adhere to stringent FISCAL ACCOUNTABILITY safeguards including:**
 - (a) **All expenditures will be subject to annual independent financial audits,**
 - (b) **No funds will be used for administrators’ salaries and pensions,**
 - (c) **An independent citizens’ oversight committee will be appointed to ensure that all funds are spent only as authorized.**

The following types of projects are authorized to be undertaken at San Jose City College and Evergreen Valley College:

**PROVIDING AN AFFORDABLE EDUCATION
FOR LOCAL RESIDENTS AND VETERANS:**

**Basic Repair Projects Needed To Make
San Jose City College and Evergreen Valley College Safer Places to Learn**

Goals and Purposes: The cost to attend California's public universities has risen to at least six times that of attending a community college. As a result, more local students and their families rely on San Jose City College and Evergreen Valley College to save tens of thousands of dollars. Additional funds are needed to increase opportunities for local students to earn college credits, certifications, and learn job skills at a reasonable price and transfer to four-year colleges and universities.

To make sure that San Jose City College and Evergreen Valley College are safe places to learn, funds will be used to upgrade campus security emergency communication systems, campus lighting, signage, cameras, and door locks, ensuring the safety and security of students.

Many of San Jose City's and Evergreen Valley' buildings, classrooms, science labs, and job training equipment are deteriorating and outdated. This measure will address urgent and basic repairs such as removing asbestos and lead paint, upgrading electrical wiring, gas and sewer lines, fixing leaky roofs, and improving earthquake safety to make our local colleges clean and safe for learning.

- Replace outdated electrical and internet wiring.
- **Remove asbestos and lead paint.**
- Repair deteriorating water and sewer lines.
- **Improve campus safety and security.**
- Improve water conservation efforts.
- Update campus facilities to improve disabled access.
- **Improve earthquake safety.**
- Upgrade door safety locks, security cameras, emergency notification systems, and lighting for student safety.

PROVIDING JOB TRAINING AND COLLEGE TRANSFER:

**Facility Improvements
To Help Students and Veterans Transfer to Four-Year
Universities or be Trained For High Demand Jobs**

Goals and Purposes: San Jose City College and Evergreen Valley College have served hundreds of military veterans, many of whom have recently returned from war zones and face

challenges including post-traumatic stress disorder and permanent disability. Upgraded and expanded veteran services and job training are needed so returning service members receive the support they need to complete their education and enter the civilian workforce.

San Jose City College and Evergreen Valley College provide essential job training for students, veterans, and local residents to prepare them to become part of our local workforce. This measure will upgrade classrooms, facilities and technology, to expand access to training programs that help students learn new skills and find better paying jobs in jobs in business, biotechnology, nursing, engineering, and other high demand careers.

San Jose City College and Evergreen Valley College provide excellent training that prepares students to transfer to the University of California and the California State University system to complete their Bachelor's degrees. Our local colleges also allow high school students to get a jump start on earning college credit by taking college courses before they graduate high school.

- Repair classrooms to prepare students, veterans and workers for good-paying jobs and 21st century careers.
- **Upgrade classrooms and labs for science, technology, and engineering fields.**
- **Improve classrooms for nursing, engineering, and other technical vocational career education programs.**
- **Provide facilities to prepare students to transfer to four-year colleges and universities.**
- Improve classrooms and resources for veterans and expand “high school-to-college” pathways programs.
- **Improve vocational classrooms and labs for nursing, dental, and emergency medical programs.**

* * *

The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses, a customary contingency, and costs associated with the Total Cost of Ownership of facilities and equipment. In addition to the listed projects stated above, authorized projects also include the acquisition of a variety of instructional, maintenance and operational equipment, including interim funding incurred to advance fund projects from payment of the costs of preparation of all facility planning, fiscal reporting, facility studies, assessment reviews, facility master plan preparation and updates, environmental studies (including environmental investigation, remediation and monitoring), design and construction documentation, and temporary housing of dislocated college activities caused by construction projects. In addition to the projects listed above, repair, renovation and construction projects may include, but not be limited to, some or all of the following: renovate student and staff restrooms; replace aging electrical and plumbing systems; repair and replace heating, ventilation and air conditioning systems; acquire vehicles; upgrade of facilities for energy efficiencies, including photovoltaic/solar installations; repair and replace worn-out and leaky roofs, windows, walls doors and drinking fountains; replace or remove outdated buildings and classrooms and construct new classrooms and support buildings; install wiring and electrical systems to safely accommodate computers, technology and other electrical devices and needs; upgrade facilities to meet current environmental sustainability and State

compliance standards; repair and replace fire alarms, emergency communications and security systems; upgrade, resurface, replacing or relocate hard courts, fields, turf and irrigation systems; install artificial turf on athletic fields; upgrade classrooms; build or upgrade facilities, including the Milpitas Center, a District corporation building and yard; construct, expand or reconfigure facilities to create large lecture classrooms; construct student parking structure; upgrade, resurface and recondition existing parking lots; improve vehicular access and traffic circulation; improve drop-off zones; repair, upgrade and install interior and exterior lighting systems; replace water lines and valves, sewer lines and other plumbing systems; construct, upgrade, acquire or expand multi-use classrooms and labs, fine arts and visual and performing arts facilities, learning resources center, physical education/aquatic facilities, locker rooms, field lights, bleachers, press box, track replacement, District administrative offices, conference center, maintenance building, student service/campus center and instructional buildings, trades and technology building, library, athletic fields, student services buildings; improve water conservation and energy efficiency; demolish the San Felipe District office and police academy; acquire land; replace or upgrade outdated security and safety systems; replace existing window systems with energy-efficient systems to reduce costs; improve insulation, weatherproofing and roofs to reduce costs; improve access for the disabled; install and repair fire safety equipment, including alarms, smoke detectors, sprinklers, emergency lighting, and fire safety doors; replace broken concrete walks, deteriorated asphalt; replace/upgrade existing signage, bells and clocks; demolition of unsafe facilities; install new security systems, such as security (surveillance) cameras, burglar alarms, handrails, outdoor lighting, fencing, gates and classroom door locks; replace sewer lines and improve drainage systems to prevent flooding; upgrade roadway and pedestrian paths for improved safety and access for emergency vehicles, site parking, utilities and grounds. The project list also includes the refinancing of outstanding lease obligations and the funding of an endowment for technology and other authorized projects. The upgrading of technology infrastructure includes, but is not limited to, upgrading classroom technology, expanding wireless internet access throughout both college campuses, acquire portable interface devices, servers, switches, routers, modules, sound projection systems, information systems, printers, digital white boards, upgrade voice-over-IP, communication systems, audio/visual and telecommunications systems, call manager and network security/firewall, Internet connectivity, wireless systems, technology infrastructure, and other miscellaneous IT and instructional equipment, DATA storage, fiber/copper infrastructure, phones, identity access cards and the creation and funding of a technology endowment. At San Jose City College, the Project List includes the construction of buildings for general education, maintenance operations and reprographics, career technical education, technology, dental and health programs, and the renovation of facilities for cosmetology and adaptive physical education, theater arts, student center and the central plant, and the demolition of the child development center. At Evergreen Valley College, the Project List includes the construction of buildings for general education classrooms, student services center, language arts, engineering and applied sciences and physical education and kinesiology, and the renovation of facilities for admission and records, business and workforce development, biology and related sciences.

The allocation of bond proceeds may be affected by the District's receipt of State matching funds and the final costs of each project. Some projects may be undertaken as joint use projects in cooperation with other local public or non-profit agencies. The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans and construction documents are finalized, construction bids are received, construction contracts are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating more

enhanced and operationally efficient campuses. Necessary site preparation/restoration may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to bond projects. Bond proceeds shall only be expended for the specific purposes identified herein. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

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FISCAL ACCOUNTABILITY

This bond measure has strict accountability requirements including:

1. All money will benefit San Jose City College and Evergreen Valley College campuses and CANNOT BE TAKEN BY THE STATE.
2. NO MONEY can be used for ADMINISTRATOR SALARIES or pensions.
3. Require CITIZENS' OVERSIGHT and yearly audits to ensure all funds are used locally, effectively and as promised.
4. NO ADMINISTRATOR SALARIES. Proceeds from the sale of the bonds authorized by this proposition shall be used only for the acquisition, construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, and not for any other purpose, including teacher, faculty and college administrator salaries, pensions and other operating expenses.
5. **FISCAL ACCOUNTABILITY. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.**