

RESOLUTION OF THE BOARD OF TRUSTEES OF THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

2018 AUG 8 AM 10:52

WHEREAS, the Board of Trustees (the "Board") of the West Valley-Mission Community College District (the "District"), comprised of West Valley College and Mission 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 West Valley College and Mission 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 become so expensive, more local students are relying on community colleges, such as West Valley College and Mission College, and the high quality, affordable college options they each provide; and

WHEREAS, in today's and competitive job environment, both West Valley College and Mission College 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 State is not providing the District with adequate funds for the District to maintain West Valley College and Mission 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, repairing aging roofs, heating, cooling, plumbing and mechanical systems; and

WHEREAS, a local measure will update West Valley College and Mission College education facilities and technology to prepare students for 21st century jobs; and

WHEREAS, a local measure will help West Valley College and Mission College provide career technical education in fields such as nursing, engineering and firefighting; and

WHEREAS, a local measure will improve services for veterans, returning to civilian life with financial aid, registration, and access to affordable education and career training; and

WHEREAS, a local measure will permit the District to ensure the safety of faculty, staff and students by replacing aging, seismically unsafe buildings and facilities; 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.* 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 6, 2018, and to request each of the Santa Clara County Registrar of Voters and the Santa Cruz 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 each of the Santa Clara County Registrar of Voters and the Santa Cruz 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 WEST VALLEY-MISSION 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 each of the Santa Clara County Registrar of Voters and the Santa Cruz 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 \$698,000,000 (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. The District's Chancellor, Vice Chancellor of Administrative Services, or designee of the Chancellor is hereby authorized and directed to make any changes to the text of the measure, or to the abbreviated form of the measure, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of election officials, and requirement of law.

Section 2. That the date of the election shall be November 6, 2018.

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) that 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, the Santa Cruz County Board of Supervisors and the Santa Cruz County Registrar of Voters are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 6, 2018 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 and the Santa Cruz County Registrar of Voters to call an election within the boundaries of the District on November 6, 2018.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the Santa Clara County Registrar of Voters and the Santa Cruz County Registrar of Voters no later than August 10, 2018.

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 and the Santa Cruz County Board of Supervisors are requested to permit their respective Registrars of Voters to render all services specified by Elections Code Section 10418, for which services the District agrees to reimburse both Santa Clara County and Santa Cruz 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 7th day of August, 2018.

BOARD OF TRUSTEES OF THE WEST VALLEY-
MISSION COMMUNITY COLLEGE DISTRICT

By _____



Board President

Attest:



Secretary

STATE OF CALIFORNIA)
)ss
SANTA CLARA COUNTY)

I, Patrick Schmitt, do hereby certify that the foregoing is a true and correct copy of Resolution No. 18080702, which was duly adopted by the Board of Trustees of the West Valley-Mission Community College District at meeting thereof held on the 7th day of August 2018, and that it was so adopted by the following vote:

AYES: 6

NOES: 0

ABSENT: 0

ABSTENTIONS: 1

By 
Secretary