

RESOLUTION NO. 2016.02

RESOLUTION OF THE BOARD OF TRUSTEES OF THE STATE
CENTER COMMUNITY COLLEGE DISTRICT ORDERING AN
ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE
ELECTION ORDER

WHEREAS, the Board of Trustees (the "Board") of the State Center Community College District (the "District"), comprised of Fresno City College, Reedley College, Clovis Community College, the Madera Community College Center and the Oakhurst Center 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 these Colleges and Centers 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 four-year universities is skyrocketing, more local students are relying on community colleges, such as Fresno City College, Reedley College, Clovis Community College, the Madera Community College Center, the Oakhurst Center and other educational facilities within the District, and the high quality, affordable college options they provide; and

WHEREAS, in today's tough economic times and competitive job environment, the District must continue providing important 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, Fresno City College, Reedley College, Clovis Community College, together 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 its 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, 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 to train local police, firefighters, paramedics and nurses, and students for other higher-paying or skilled jobs, 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, Section 9400 *et seq.* of the Elections Code of the State of California (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 California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on June 7, 2016, and to request each of the Fresno County Registrar of Voters, the Madera County Registrar of Voters, the Kings County Registrar of Voters, and the Tulare 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 Registrars of Voters 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 STATE CENTER 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 Fresno County Registrar of Voters, the Madera County Registrar of Voters, the Kings County Registrar of Voters, and the Tulare County Registrar of Voters 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 \$485,000,000 (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 June 7, 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 and performance audits 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 each of the Fresno County Registrar of Voters and the Fresno County Board of Supervisors, the Madera County Registrar of Voters and the Madera County Board of Supervisors, the Kings County Registrar of Voters and the Kings County Board of Supervisors, and the Tulare County Registrar of Voters and the Tulare County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 7, 2016 within the District.

Section 7. That this Resolution shall stand as the “order of election” to each of the Fresno County Registrar of Voters, the Madera County Registrar of Voters, the Kings County Registrar of Voters, and the Tulare County Registrar of Voters to call an election within the boundaries of the District on June 7, 2016.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the Fresno County Registrar of Voters, the Madera County Registrar of Voters, the Kings County Registrar of Voters, and the Tulare County Registrar of Voters no later than March 11, 2016.

Section 9. That the bonds shall be issued pursuant to Section 15300 *et seq.* of the Education Code or issued pursuant to Section 53506 of the Government Code. 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 anybody or official authorized by law to

canvass the returns of the election, and that the Board consents to such consolidation. Pursuant to Elections Code Section 1043 the Board acknowledges that the consolidation election will be held and conducted in the manner described in Elections Code Section 1048.

Section 11. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Boards of Supervisors of Fresno County, Madera County, Kings County and Tulare County are requested to permit their respective Registrars of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse each of Fresno County, Madera County, Kings County and Tulare 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 Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

ADOPTED, SIGNED AND APPROVED this 1st day of March, 2016.

BOARD OF TRUSTEES OF THE STATE CENTER
COMMUNITY COLLEGE DISTRICT

By _____
Board President

Attest:

Secretary

STATE OF CALIFORNIA)
)ss
FRESNO COUNTY)

I, _____, 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 State Center Community College District at meeting thereof held on the 1st day of March 2016, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary

EXHIBIT A

“LOCAL COMMUNITY COLLEGE CLASSROOM REPAIR AND JOB TRAINING IMPROVEMENT MEASURE. To repair/upgrade Fresno City, Clovis, Reedley Colleges, to prepare students and veterans for jobs/ university transfer by upgrading classroom buildings, labs/technology, upgrading vocational/career education programs, removing lead paint/asbestos, repairing leaky roofs, wiring, gas/sewer lines and acquiring, construct/repairing facilities, sites/equipment, shall State Center Community College District issue \$485,000,000 in bonds at legal rates, no money for administrators’ salaries, audits, all funds used locally?”

Bonds - Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
STATE CENTER COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION JUNE 7, 2016

“LOCAL COMMUNITY COLLEGE CLASSROOM REPAIR AND JOB TRAINING IMPROVEMENT MEASURE. To repair/upgrade Fresno City, Clovis, Reedley Colleges, to prepare students and veterans for jobs/university transfer by upgrading classroom buildings, labs/technology, upgrading vocational/career education programs, removing lead paint/asbestos, repairing leaky roofs, gas/sewer lines and acquiring, construct/repairing facilities/sites/equipment, shall State Center Community College District issue \$485,000,000 in bonds at legal rates, no money for administrators’ salaries, audits, all funds used locally?”

Bonds - Yes

Bonds – No

PROJECTS

The Board of Trustees of the State Center Community College District to be responsive to the needs of its community, evaluated each of the college’s urgent and critical facility needs, and its capacity to provide students, 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 2012-2025 Facilities Master Plan, incorporated herein by reference in its entirety (the “Master Plan”), and available for review on the District’s website (www.scccd.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 our Colleges and Centers **MUST**:

- (i) **Remain an important community resource by training students who need higher-paying or skilled jobs;**
- (ii) **Continue to play critical role in keeping our community healthy and safe by training local police, firefighters, paramedics and nurses;**
- (iii) **Prepare returning Veterans for high-paying jobs;**
- (iv) **Expand essential job training and workforce preparation for students of all ages and local residents; and**
- (v) **Provide local students with an affordable, low-cost, high-quality education;**

The following types of projects are authorized to be undertaken at the **Fresno City College, Reedley College, Clovis Community College**, the Madera Community College Center, the Oakhurst Center and at other sites and facilities of the State Center Community College District:

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: Our local community colleges serve many 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.

Our local community colleges provide essential job training and workforce preparation for students, veterans, and local residents. This measure will upgrade classrooms, labs and equipment for career education and apprenticeship programs to train local police officers and firefighters and careers in nursing, engineering, agricultural, technology, advance manufacturing and other in-demand jobs. This measure will allow students to get the skills and training needed to compete for good-paying jobs in 21st Century economy.

- **Upgrade classrooms and labs that will prepare returning Veterans for high-paying jobs.**
- Provide or upgrade facilities and improved training programs for nursing, agriculture, and advanced manufacturing.
- Upgrade classrooms and labs to provide students with access to the latest advances in computers and technology so they can respond to the changing economy.
- Upgrade career and vocational classrooms and programs to better prepare students and workers for good-paying jobs.
- **Provide facilities which improve job training programs in technology, engineering and clean energy.**
- Improve police and firefighting academies.
- Improve and expand facilities which prepare students for transfer to four-year colleges and universities.

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

**Basic Repair Projects Needed To Older Buildings
To Support Job Training and Public Safety Programs**

Goals and Purposes: Our local community colleges offer an affordable alternative to the skyrocketing cost of four-year universities. This measure will increase opportunities for local students to earn college credits, certifications, and job skills at a reasonable price and then transfer to four-year universities to complete their degree.

To make sure that Fresno City College, Reedley College, Clovis Community College and our education centers 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.

Local community colleges are where our area's nurses, police officers, firefighters, and 9-1-1 emergency responders are trained. This measure will upgrade the Police and Firefighter Academies, and improve health and education programs to ensure our local area has the well-trained first-responders needed to keep communication safe.

- Remove mold, lead paint and asbestos.
- Replace outdated electrical wiring.
- Repair deteriorating gas, electrical, water and sewer lines.
- **Fix leaky roofs.**
- Make campus buildings more energy efficient.
- **Upgrade security including lighting, fencing, gates, locks, alarms, and cameras on school campuses.**
- Upgrade fire alarms, smoke detectors and sprinkler systems.

* * *

FISCAL ACCOUNTABILITY

This bond measure has strict accountability requirements including:

1. All money will benefit our local 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.

* * *

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 complying with applicable State and federal regulations and 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: renovation of student and staff restrooms; replace aging electrical and plumbing systems; repair and replacement of heating, ventilation and air conditioning systems; acquire vehicles; upgrade of facilities for energy efficiencies, including energy management systems; repair and replacement of worn-out and leaky roofs, windows, walls doors and drinking fountains; replace or remove outdated buildings and classrooms and construction of new classrooms and support buildings; installation of 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 and earthquake safety standards; repair and replacement of fire alarms, emergency communications and security systems; upgrading, replacing of turf and replacing or relocating of irrigation systems; construct or upgrade classrooms; build or upgrade facilities for math, physical sciences, life sciences, fine arts, theatre/performing arts, and agriculture and environmental science programs and a high-tech job training center; construct, expand or reconfigure facilities to create large lecture classrooms; provide more parking, upgrade, resurfacing and reconditioning existing parking lots and improve traffic flow to resolve congestion on local streets; 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, learning resources center, administrative offices, conference center, maintenance building, student service/campus center and instructional buildings, trades and technology building, library, student

services buildings; improve water conservation and energy efficiency; 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, 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; acquire land; upgrade roadway and pedestrian paths for improved safety and access for emergency vehicles, site parking, utilities and grounds. The upgrading of technology infrastructure includes, but is not limited to, upgrading classroom technology, the funding of state-of-the-art projectors, 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/fire wall, 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 Fresno City College, the Project List also includes the construction, expansion or improvement of the math/science building and parking improvements or structures, and the construction of the career technical education facility at the Fresno City College West Fresno campus. At Reedley College, the Project List includes the construction, expansion and improvement of a life science building, the modernization of the agricultural instruction complex, and a performing arts facility. At Clovis Community College, the Project List includes the construction of an applied technology building. At the Oakhurst Center, the Project List includes the construction of permanent facilities. At the Madera Community College Center, the Project List includes the completion of the Academic Village 1 building and providing additional lecture, office and library space and the expansion of the center for advanced manufacturing.

The allocation of bond proceeds will 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.