

RESOLUTION NO. 03-1516

RESOLUTION OF THE BOARD OF TRUSTEES OF THE
CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT
ORDERING AN ELECTION, AND ESTABLISHING
SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the “Board”) of the Chabot-Las Positas Community College District (the “District”), comprised of Chabot College and Las Positas 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 Chabot College and Las Positas 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 Chabot College and Las Positas 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 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 Chabot and Las Positas 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 Chabot College and Las Positas 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, 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 business, technology, nursing, early childhood

education, public safety and other high-demand 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 Alameda County Registrar of Voters and the Contra Costa 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 Alameda County Registrar of Voters and the Contra Costa 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 CHABOT-LAS POSITAS 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 Alameda County Registrar of Voters and the Contra Costa 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 \$950,000,000 (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 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 Section 5322 of the Education Code.

Section 6. That each of the Alameda County Registrar of Voters, the Alameda County Board of Supervisors, the Contra Costa County Registrar of Voters and the Contra Costa 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 Alameda County Registrar of Voters and the Contra Costa 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 Alameda County Registrar of Voters and the Contra Costa 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 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 Section 5303 of the Education Code and Section 10002 of the Elections Code, the Boards of Supervisors of Alameda County and Contra Costa County are requested to permit their respective Registrar 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 Alameda County and Contra Costa 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 CHABOT-LAS
POSITAS COMMUNITY COLLEGE DISTRICT

By _____
Board President

Attest:

Secretary

EXHIBIT A

“CHABOT-LAS POSITAS JOB TRAINING, CLASSROOM REPAIR AND STUDENT SAFETY MEASURE. To upgrade aging classrooms and technology/science labs for career education to prepare students, veterans and workers for good jobs and university transfer, remove asbestos/retrofit buildings for earthquake safety, acquire, construct and repair sites/facilities/equipment, and improve campus safety/security, shall Chabot-Las Positas Community College District issue \$950,000,000 in bonds at legal rates, no money for administrators’ salaries/pensions, independent financial audits, and all funds used locally?”

Bonds - Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION JUNE 7, 2016

“CHABOT-LAS POSITAS JOB TRAINING, CLASSROOM REPAIR AND STUDENT SAFETY MEASURE. To upgrade aging classrooms and technology/science labs for career education to prepare students, veterans and workers for good jobs and university transfer, remove asbestos/retrofit buildings for earthquake safety, acquire, construct and repair sites/facilities/equipment, and improve campus safety/security, shall Chabot-Las Positas Community College District issue \$950,000,000 in bonds at legal rates, no money for administrators’ salaries/pensions, independent financial audits, and all funds used locally?”

Bonds - Yes

Bonds – No

PROJECTS

The Board of Trustees of the Chabot-Las Positas Community College District, to be responsive to the needs of its community, evaluated each of Chabot College’s and Las Positas 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 2012 Facilities Master Plan, incorporated herein by reference in its entirety (the “Master Plan”), and available for review on the District’s website (www.clpccd.org). 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 **Chabot College and Las Positas 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 of all ages 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) **ALL FUNDS WILL BE SUBJECT TO LOCAL CONTROL,**
 - (d) **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 Chabot College and Las-Positas College:

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

Basic Repair Projects Needed To Make

Chabot College and Las Positas College a Safer Place 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 Chabot College and Las Positas College to save tens of thousands of dollars. Additional funds are needed to increase opportunities for local students to earn college credits, certifications, and job skills at a reasonable price and transfer to four-year colleges and universities.

To make sure that Cabot College and Las Positas 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 Chabot's and Las Positas' buildings, classrooms, science labs, and job training equipment are deteriorating and outdated. This measure will address urgent and basic repairs such as upgrading electrical wiring, gas and sewer lines, fixing leaky roofs, repairing bathrooms, and replacing outdated plumbing and wiring to make our local college clean and safe for learning.

- Replace outdated electrical wiring.
- Repair deteriorating gas, electrical, water and sewer lines.
- **Improve campus safety and security.**
- Make campus buildings more energy efficient.
- **Improve emergency communication systems.**
- Improve water conservation efforts.
- Update campus facilities to improve handicapped accessibility.
- **Repair to the aging plumbing system to prevent flooding and water damage.**
- Remove asbestos.
- **Improve earthquake safety.**
- Repair deteriorating firewater lines and sprinkler systems.

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: Chabot College and Las Positas College have served thousands 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.

Chabot College and Las Positas College provide essential job training and workforce preparation for students, veterans, and local residents. This measure will upgrade classrooms, facilities and technology, and expand access to training programs that help students learn new skills and find better paying jobs in jobs in business, technology, nursing, early childhood education, public safety, and other high demand careers.

Thus the District requires funds that are locally controlled to obtain State matching funds and improve academic facilities which will allow them to continue providing access to affordable, high quality education to local students and veterans, including:

- Upgrade career and vocational classrooms to better prepare students and workers for good-paying jobs.
- **Upgrade classrooms and labs for science, technology, engineering, and math-related fields.**
- Provide or upgrade facilities and resources for career preparation in healthcare, nursing and early childhood education.
- Upgrade classroom technology.
- **Provide facilities for student support services such as tutoring and career counseling.**
- Improve classrooms and resources for paramedic, firefighter and public safety programs.
- **Improve vocational classroom and labs for auto repair, agriculture and environmental science programs.**
- Improve and expand facilities which prepare students for transfer to four-year college and universities.

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FISCAL ACCOUNTABILITY

This bond measure has strict accountability requirements including:

1. All money will benefit Chabot College and Las Positas 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.**

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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: 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 photovoltaic/solar installations; 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 standards; repair and replacement of fire alarms, emergency communications and security systems; upgrading, resurfacing, replacing or relocating of hard courts, fields, turf and irrigation systems; install artificial turf on athletic fields; upgrade classrooms; build or upgrade facilities for math, physical sciences, fine arts, theatre arts, and agriculture and environmental science programs; construct, expand or reconfigure facilities to create large lecture classrooms; upgrade, resurfacing and reconditioning existing parking lots; 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 student dorms on campus, multi-use classrooms and

labs, culinary and health services buildings, fine arts and visual and performing arts facilities, learning resources center, physical education/aquatic facilities, locker rooms, field lights, bleachers, press box, track replacement, 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; 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. 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/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 Chabot College, the Project List also includes the construction, expansion or improvement of a new student access center (student union), a biology and allied health science building, learning resources/library, seismic or other upgrades to the arcade, television, radio and performance facilities, administrative offices, workforce development labs and office, faculty offices and vehicle maintenance facility. At Las Positas College, the Project List includes the construction, expansion or improvement of a vocational education center, an integrated learning center, applied arts academic building, student dormitories, faculty housing, library materials and tech equipment.

The allocation of bond proceeds will be affected by the District's receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will aggressively pursue to reduce the District's share of the costs of the projects, the District will not be able to complete some of the projects listed above. 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.