

RESOLUTION NO. 04-05/001

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

WHEREAS, the Board of Trustees (the "Board") has determined that certain properties and equipment at Modesto Junior College and Columbia College, within the Yosemite Community College District (the "District"), within Stanislaus County ("Stanislaus County"), Tuolumne County ("Tuolumne County"), Calaveras County ("Calaveras County"), San Joaquin County ("San Joaquin County"), Santa Clara County ("Santa Clara County") and Merced County ("Merced County") need to be acquired, constructed, improved, and equipped to enable the District to maintain both Modesto Junior College and Columbia College as valuable community resources, to train and retrain local residents for higher-paying and skilled jobs, and to enhance the educational opportunities of the students in the District who desire to transfer to a four-year college; and

WHEREAS, the Board has determined that the addition of new classrooms, and instructional laboratories, instructional equipment; the installation of fire safety equipment; the improvement of electrical, lighting, ventilation and fire detection systems in existing classrooms; the need for handicapped access improvements; the increase of available parking spaces; the renovation of existing classrooms; and the improvement of campus safety are among the highest priorities of the Board; and

WHEREAS, notwithstanding ongoing efforts to obtain sufficient facility money from the State of California (the "State"), the State has been unable to provide the District with enough money for the District to adequately develop each of Modesto Junior College and Columbia College for all their students; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional funding for such facility, technology, and safety needs by means of a general obligation bond; and

WHEREAS, Proposition 46, approved by the voters of the State of California on June 3, 1986 ("Proposition 46"), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision which exempts from the 1% of full cash value limitation, those ad valorem taxes used to pay for debt service of any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which, as of its effective date, 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 the restrictions in Proposition 39 which prohibit any bond money to be used for administrator salaries and expenses be strictly enforced by a Citizens' Oversight Committee; 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 November 2, 2004, and to request each of the Stanislaus County Registrar of Voters, the Tuolumne County Registrar of Voters, the Calaveras County Registrar of Voters, the San Joaquin County Registrar of Voters, the Santa Clara County Registrar of Voters and the Merced 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 Stanislaus County Registrar of Voters, the Tuolumne County Registrar of Voters, the Calaveras County Registrar of Voters, the San Joaquin County Registrar of Voters, the Santa Clara County Registrar of Voters and the Merced 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 THE YOSEMITE COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 and Government Code Section 53506, hereby requests the Stanislaus County Registrar of Voters, the Tuolumne County Registrar of Voters, the Calaveras County Registrar of Voters, the San Joaquin County Registrar of Voters, the Santa Clara County Registrar of Voters and the Merced 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 not to exceed \$326,174,000 (the "Bonds") shall be issued and sold to raise money for the purposes described in Exhibits "A" and "B" hereto.

Section 2. That the date of the election shall be November 2, 2004.

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 teacher and administrator salaries and other school operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit "B," evaluated the safety, class offerings and information technology needs 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 Exhibit "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;

(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;

(f) that the tax levy authorized to secure the bonds of this election shall not exceed the Proposition 39 limit 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; and

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *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 the Stanislaus County Registrar of Voters, the Stanislaus County Board of Supervisors, the Tuolumne County Registrar of Voters, the Tuolumne County Board of Supervisors, the Calaveras County Registrar of Voters, the Calaveras County Board of Supervisors, the San Joaquin County Registrar of Voters, the San Joaquin County Board of Supervisors, the Santa Clara County Registrar of Voters, the Santa Clara County Board of Supervisors, the Merced County Registrar of Voters, and the Merced County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 2, 2004 within the District.

Section 7. That this Resolution shall stand as the "order of election" to each of the Stanislaus County Registrar of Voters, the Tuolumne County Registrar of Voters, the Calaveras County Registrar of Voters, the San Joaquin County Registrar of Voters, the Santa Clara County Registrar of Voters and the Merced County Registrar of Voters to call an election within the boundaries of the District on November 2, 2004.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the Stanislaus County Registrar of Voters, the Tuolumne County Registrar of Voters, the Calaveras County Registrar of Voters, the San Joaquin County Registrar of Voters, the Santa Clara County Registrar of Voters and the Merced County Registrar of Voters no later than July 15, 2004.

Section 9. That the maturity of any Bonds issued pursuant to Section 15100 of the Education Code, and Bonds issued pursuant to Section 53506 of the Government Code shall not exceed the maturity limits set forth therein, respectively. The maximum interest rate on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531.

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 Board of Supervisors of each of Stanislaus County, Tuolumne County, Calaveras County, San Joaquin County, Santa Clara County and Merced County are requested to permit the 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 Stanislaus County, Tuolumne County, Calaveras County, San Joaquin County, Santa Clara County and Merced 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 14th day of July, 2004.

BOARD OF TRUSTEES OF THE YOSEMITE
COMMUNITY COLLEGE DISTRICT

By _____
Board President

Attest:

Clerk

STATE OF CALIFORNIA)
)ss
STANISLAUS 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 Yosemite Community College District at meeting thereof held on the 14th day of July, 2004, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Clerk

EXHIBIT A

Local Community College Repair and Overcrowding Measure “To prepare Modesto Junior College and Columbia College students for jobs and four-year colleges, repair buildings, and increase access to educational opportunities by:

- Repairing, constructing, equipping buildings, classrooms, libraries, science labs;
- Establishing new and expanded college education centers in Turlock, Oakdale, Patterson and Calaveras County, and acquiring land;
- Modernizing classroom technology;

shall Yosemite Community College District issue \$326,174,000 in bonds, at legal rates, with annual audits, a Citizens’ Oversight Committee and no money for administrators’ salaries?”

Bonds - Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
OF THE YOSEMITE COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION NOVEMBER 2, 2004

The following is the full proposition presented to the voters of the Yosemite Community College District (Modesto Junior College and Columbia College).

Local Community College Repair and Overcrowding Measure “To prepare Modesto Junior College and Columbia College students for jobs and four-year colleges, repair buildings, and increase access to educational opportunities by:

- Repairing, constructing, equipping buildings, classrooms, libraries, science labs;
- Establishing new and expanded college education centers in Turlock, Oakdale, Patterson and Calaveras County, and acquiring land;
- Modernizing classroom technology;

shall Yosemite Community College District issue \$326,174,000 in bonds, at legal rates, with annual audits, a Citizens’ Oversight Committee and no money for administrators’ salaries?”

Bonds - Yes

Bonds – No

PROJECTS

The Board of Trustees of the Yosemite Community College District evaluated the District’s urgent and critical facility needs, including safety issues, enrollment growth, energy reduction and information and computer technology, in developing the scope of projects to be funded, as outlined in the Yosemite Community College District Facilities Master Plan, dated February 11, 2004, updated on June 9, 2004, and adopted by the Board on such dates, incorporated herein, and as shall be further amended from time to time. The Board conducted independent facilities evaluations and received public input and review in developing the scope of college facility projects to be funded, as listed in the facilities construction, renovation and repair, master plan which was unanimously approved by the Board of Trustees. **In preparing the Facilities Master Plan the Board of Trustees determined that:**

- (i) It is critically important to retrain people who want to expand their job skills at Modesto Junior College and Columbia College, particularly in tough economic times;**
- (ii) Many of the buildings at both Modesto Junior College and Columbia College are old, deteriorating, run-down and in need of repairs;**
- (iii) More local college classrooms and sites are needed to accommodate the population and an increase in local student demand for classes in the area;**

- (iv) **With additional and expanded facilities, both Modesto Junior College and Columbia College can do a better job of providing access to general education courses and job training in all of the Colleges' local communities; and**
- (v) **It would be less expensive to upgrade and repair community college buildings now than in the future and if the District didn't do something about their problem now, the problems would only get worse and the repairs would be more expensive to complete in the future.**

The Facilities Master Plan is on file at the Chancellor's Office of the Yosemite Community College District, and includes the following projects:

MODESTO JUNIOR COLLEGE

Repair, Upgrade and/or Replace Aging Obsolete Classrooms, Library, Science Labs, Facilities, Instructional Buildings

- Upgrade classrooms and buildings, fix leaky roofs and decaying walls, replace outmoded equipment, improve technology and accessibility, remove hazardous materials at the following campus buildings:
- **Founders Hall Instructional Building and Learning Resource Center**
Upgrade classrooms, heating and ventilations systems. Expand Center for Learning Assistance including Reading and Writing Center and Math Drop-In Tutoring Center. Upgrade classrooms, computer labs, Social Science lab.
- **Science, Health and Nursing Lab Building**
Accommodate increasing student demand by upgrading and expanding classrooms and labs for pre-nursing program including: anatomy, physiology, and micro-biology, chemistry classrooms and labs.
- **John Muir Hall Health Instructional Building (Formerly South Hall)**
Expand Allied Health programs including Dental Assisting, Medical Assisting and Respiratory Care classrooms and labs. Expand student access to educational materials and upgrade continued learning classrooms.
- **Student Center**
Repair and upgrade existing student center to accommodate an interactive technology center, student health services, counseling services, international/multi-cultural center and space for student clubs, student and staff meeting rooms.
- **Student Services Building**
Repairing and upgrading an existing building into a one-stop student services center to house financial aid, admissions and counseling services.
- **Softball Complex**
To expand the physical education opportunities for women, build a softball field and seating area.

- **Science Instructional Building**
Establish expanded classrooms and instructional labs for Geology, Astronomy, Earth Science, Botany, Zoology, Biology and Anthropology. Expand educational opportunities and improves access for students including the Great Valley Museum. Promote partnerships within the local education community through a new science community center.

Expand Job Training Opportunities

- **Nursing and Health Education Training Center**
Expand Nursing and health job training classrooms and laboratories to accommodate increasing demand. Expand science labs.
- **Job Technology Training Center**
Establish a technology center with classrooms and computer labs for training courses that meet the demands of today's changing workforce.
- **Agriculture and Environmental Science Instructional Building**
Establish an Agriculture Science Center to house classes in farming production, business, horticulture, food processing and biological sciences. Establish a soils and plant research lab. Establish modular living units for students. Upgrade and repairs animal quarters. Establish agricultural training and seminar center.

Expand Access to Educational Opportunities In Underserved Communities

- **Turlock Center**
Acquire site to establish a permanent location for a Modesto Junior College education center in Turlock.
- **West Side Center**
Acquire site to establish a permanent location for Modesto Junior College education center in Patterson, accommodating increasing demand in Stanislaus and Merced Counties which is the largest growing region in our area.
- **Library and Learning Resources Center**
Establish a learning resources center to include up-to-date research materials, Internet access, computer labs, student study rooms, and expanded Distance Learning programs.

Safety and Security, Improve Access

- **Increase access to parking and improve campus safety**
Increase student safety by upgrading lighting, security, pedestrian areas and meet standards for disabled students. Reduce parking impact on the neighboring community by building a parking structure.

COLUMBIA COLLEGE

Repair, Upgrade and/or Replace Aging Obsolete Classrooms, Science Labs, Instructional Facilities

- **Manzanita Building**
Repair and upgrade overcrowded Manzanita building, which serves as the core for the College's student support and academic services, and has not been updated since 1969.
- **Sequoia and Redbud Buildings**
Repair, upgrade and convert buildings and classrooms to increase efficiency for better student use and utilization of space, in addition to upgrading electrical and data services.
- **Science & Natural Resources Building**
Consolidate existing science programs into one building with classrooms and labs for courses in chemistry, biology, physics and natural sciences.

Expand Job Training Opportunities

- **Madrone Building**
Repair, retrofit and upgrade automotive and welding technology classrooms and labs to keep students up-to-date with the latest industry changes for job training purposes.
- **Public Safety Training Center**
Consolidate existing emergency services including firehouse and security office into a centralized Public Safety Center. Improve response times by emergency services personnel, who serve the campus and local community. Build quarters for female fire science students, along with upgrading storage areas for firefighting equipment.
- **Child Development Center**
Upgrade child care/child development center, classrooms, labs used to train students in Child Development programs. Expand classrooms and areas for preschoolers/toddlers/infants, parent conference area, general conference room, classrooms, offices, and a student and family resource room.

Expand Access to Educational Opportunities In Underserved Communities

- **Calaveras Center**
Establish a permanent college education center in Calaveras County. This facility will educate a growing base of students, which presently represents over 21% of the College's enrollment.

Improve Safety and Security, Site Access, Improve Emergency Access

- **Increase access and Improve Campus Safety**
Improve campus safety and security by constructing a second access road as a campus evacuation route, providing for better campus vehicular and foot traffic flow, restoring bicycle lanes and pedestrian pathways and adding parking lots to ease overcrowding.

DISTRICT-WIDE PROJECTS

Expand Access to Educational Opportunities In Underserved Communities

- **Oakdale Center**
Acquire a site to establish a permanent location for a combined Modesto Junior College/Columbia College education center in Oakdale to serve this growing community.

Other Projects

- **Provide greater access to technology, upgrading electrical wiring for computers at both Modesto Junior College and Columbia College campuses and education centers.**
- **Refinance existing lease obligations at both Modesto Junior College and Columbia College campuses and education centers.**
- **Provide annual repairs and upgrades at both Modesto Junior College and Columbia College campuses and education centers. Improve efficiency by consolidating existing transportation facilities.**
- **Central Services Buildings**
Replace and/or repair and upgrade the District's aging and run-down Central Services buildings originally constructed in 1942, which house information services and data processing technology.

Listed repairs, rehabilitation projects and upgrades will be completed as needed. Each project is assumed to include its share of equipment, furnishings, architectural, engineering, and similar planning costs, construction management, and a customary contingency for unforeseen design and construction costs. The allocation of bond proceeds will be affected by the District's receipt of State matching funds and the final costs of each project. 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 are finalized, construction bids are awarded, and projects are completed.

The bond program is designed to provide facilities which will serve current and expected enrollment. In the event of an unexpected slowdown in development or enrollment of students at the college, certain of the projects described above will be delayed or may not be completed. In such case, bond money will be spent on only the most essential of the projects listed above.

FISCAL ACCOUNTABILITY. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS ARE SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. 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.

No Administrator Salaries. Proceeds from the sale of the bonds authorized by this proposition shall be used only for the construction, reconstruction, rehabilitation, or replacement of college facilities, including the furnishing and equipping of college facilities, and not for any other purpose, including teacher and administrator salaries and other operating expenses. By law, all funds can only be spent on repair and improvement projects.