

SOLANO COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 12/13-01

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

WHEREAS, Solano Community College District (the “District”) provides high quality, affordable local educational programs and essential job training, re-training and workforce preparation for students of all ages; and

WHEREAS, the costs of attending a U.C. and State college are expensive—more than six times that of attending a community college-- students are relying on community colleges, such as Solano College for the high quality, affordable college options; and

WHEREAS, in today’s tough economic times and competitive job environment, the District must continue offering local residents accessible, affordable training and education in the automotive, technology, nursing, firefighting, health sciences, biotechnology and clean energy career programs; and

WHEREAS, to accommodate students in high-demand, core academic classes which facilitate transfer to a four-year university, will require investment in Solano College facilities; and

WHEREAS, the Board of Trustees (the “Board”) has determined that updating academic facilities and technology to help students prepare to transfer to four-year universities; providing up-to-date academic facilities and technology to prepare students for 21st century jobs; making all buildings, classrooms and community facilities earthquake safe and accessible to people with disabilities; and improving college buildings to provide students with more affordable course options are among the highest priorities of the District; and

WHEREAS, the District is home to Travis Air Force Base and our region has a tradition of supporting our military, and our Iraq, Afghanistan and other war veterans, many of whom need better access to job placement programs and facilities to be trained and re-trained as they re-enter the civilian workforce; and

WHEREAS, the Board has determined that certain college classrooms, buildings, properties and facilities within the District need to be repaired, maintained, acquired, constructed, improved, furnished and equipped to enable Solano College to provide affordable, local higher education; and

WHEREAS, notwithstanding concerted and ongoing efforts by the District to obtain sufficient 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 maintain and enhance Solano College facilities; and

WHEREAS, the Board has been presented with each of the Solano College Educational Master Plan and the Solano College Master Facilities Plan (together, the “Master Plans”), each of which sets forth the long-range strategic plans for Solano College, and prioritizes their most immediate and critical project needs; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional funding for such facility, technology and basic infrastructure needs as described in the Master Plans 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 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 desires to authorize the submission of a proposition to the District’s voters at an election to authorize the issuance of bonds to pay for essential improvements to the District’s educational facilities; 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 enforced 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 relating to the election, including any ballot pamphlet prepared, sponsored or distributed by the District; and

WHEREAS, the Board desires to authorize the filing of a 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 November 6, 2012, and to request each of the Solano County Registrar of Voters and the Yolo County Registrar of Voters to perform certain election services for the District;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE SOLANO COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, 15264 *et seq.* and Government Code Section 53506, hereby requests each of the Solano County Registrar of Voters and the Yolo County Registrar of Voters to conduct 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 \$348,000,000 (the “Bonds”) shall be issued and sold to raise money for the projects described in Exhibits “A” and “B” hereto. Both exhibits are directed to be printed in the voter sample ballot pamphlet.

Section 2. That the date of the election shall be November 6, 2012.

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” and “B” are 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 teacher or administrator salaries or other college operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit “B,” evaluated safety, class size reduction, class size and 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 are 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 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; 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.* 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 Solano County Registrar of Voters, the Solano County Board of Supervisors, the Yolo County Registrar of Voters and the Yolo County Board of Supervisors are

hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 6, 2012 within the District.

Section 7. That this Resolution shall stand as the “order of election” to the Solano County Registrar of Voters and the Yolo County Registrar of Voters to call an election within the boundaries of the District on November 6, 2012. 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 8. That the Secretary of the Board is hereby directed to deliver an original or a certified copy of this Resolution to each of the Solano County Registrar of Voters and the Yolo County Registrar of Voters no later than August 10, 2012.

Section 9. That any Bonds issued pursuant to Section 15264 *et seq.* of the Education Code shall have a maturity not exceeding twenty-five (25) years, and Bonds issued pursuant to Section 53506 of the Government Code shall have maturity not exceeding forty (40) years. 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 Solano and Yolo County are requested to permit the Registrars of Voters of each of Solano and Yolo County 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 Solano and Yolo 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 August, 2012.

BOARD OF TRUSTEES OF THE SOLANO
COMMUNITY COLLEGE DISTRICT

By _____
Board President

Attest:

Secretary

STATE OF CALIFORNIA)
)
SOLANO COUNTY)

I, Jowel C. Laguerre, 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 Solano Community College District at the meeting thereof held on the 1st day of August, 2012, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary to the Board of Trustees of Solano
Community College District

EXHIBIT A

“SOLANO COMMUNITY COLLEGE DISTRICT STUDENT/VETERANS’ AFFORDABLE EDUCATION, JOB TRAINING, CLASSROOM REPAIR MEASURE. To prepare Solano/Yolo County students/veterans for universities/jobs, by:

- Expanding student, military, disabled veteran access to affordable education,
- Meeting earthquake/fire safety codes,
- Upgrading employer job placement facilities,
- Upgrading engineering, welding, nursing/firefighter training centers,
- Acquiring, constructing/repairing facilities, sites/equipment,

shall Solano Community College District issue \$348,000,000 in bonds, at legal rates, with citizens' oversight, annual audits/no money for pensions/administrators' salaries?”

Bonds - Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
OF THE SOLANO COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION NOVEMBER 6, 2012

“SOLANO COMMUNITY COLLEGE DISTRICT STUDENT/VETERANS’ AFFORDABLE EDUCATION, JOB TRAINING, CLASSROOM REPAIR MEASURE. To prepare Solano/Yolo County students/veterans for universities/jobs, by:

- Expanding student, military, disabled veteran access to affordable education,
- Meeting earthquake/fire safety codes,
- Upgrading employer job placement facilities,
- Upgrading engineering, welding, nursing/firefighter training centers,
- Acquiring, constructing/repairing facilities, sites/ equipment,

shall Solano Community College District issue \$348,000,000 in bonds, at legal rates, with citizens' oversight, annual audits/ no money for pensions/administrators' salaries?"

Bonds - Yes

Bonds – No

PROJECTS

The Board of Trustees (the “Board”) of the Solano Community College District, to be responsive to the needs of students and the community, evaluated the District’s urgent and critical educational needs, including completing essential repairs to aging classrooms and college buildings to today’s health and earthquake safety requirements, and providing sufficient classrooms and science labs to offer more job training and workforce development courses and programs to students, military, and veterans, facility maintenance, safety and security issues, class size and offerings in key disciplines such as nursing, health sciences, biotechnology, solar and clean technology fields, automotive technology, and information and computer technology, in developing the scope of projects to be funded, as outlined in the Solano College Educational Master Plan and the Facilities Master Plan, both of which are incorporated herein by reference in their entirety (collectively, the “Master Plans”). In developing the scope of the Master Plans, the faculty, staff and students have prioritized the key health and safety needs so that the most critical needs and the most urgent and basic needs and infrastructure repairs are addressed consistent with community and District priorities. The Board conducted comprehensive evaluations and considered community and District priorities and perspectives in developing the scope of college projects to be funded, as listed in the Master Plans. The Board, faculty and community leaders concluded that if these needs were not addressed now, the problems will only become more pressing and expensive. **In approving the Projects, the Board of Trustees determines that the SOLANO COLLEGE must:**

- **PROVIDE ESSENTIAL JOB TRAINING AND WORKFORCE PREPARATION** for students, military and veterans by providing facilities for training and education in automotive technology, nursing, firefighting, health sciences, biotechnology and clean energy fields, among others.
- **IMPROVING ACCESS TO DISABLED STUDENTS AND WAR VETERANS** by expanding job placement programs and facilities to train and re-train local veterans as they re-enter the civilian workforce; and
- **EXPAND HIGH QUALITY AFFORDABLE COLLEGE OPTIONS FOR STUDENTS TRANSFERRING TO FOUR-YEAR COLLEGE** such as Sonoma State, Cal Maritime, Sacramento State, UC Davis, UC Berkeley and others.
- **OFFER MIDDLE COLLEGE OPTIONS TO HIGH SCHOOL STUDENTS** to allow high school students to start their college work when in high school and earn an Associate's degree, saving time and money on their way to a four-year degree.
- **Increase collaborations and partnerships with private and public employers to fulfill local job training and placement needs.**

The Master Plans are on file and available for review at the Solano College President's Office and include the types of projects listed below.

Basic Maintenance, Repair and Construction
Projects That Provide Essential Job Training for Students, Military, and Veterans

Goal and Purpose: Since it is hard to get a job in the current economy, Solano College provides essential job training and workforce preparation for students of all ages. Additional funding can support training and education in automotive technology, nursing, firefighting, cosmetology, welding, health sciences, biotechnology and clean energy fields, among others. Our job training facilities at Solano College need basic repair, renovation, or replacement. Addressing these essential maintenance, repair and new construction projects at Solano College will allow it to continue to provide high quality, affordable education to local students, military and veterans:

- Upgrade facilities to meet earthquake and fire safety codes.
- Update campus facilities to provide access for disabled students.
- Replace aging plumbing and sewer systems to prevent flooding, water damage and reduce future maintenance costs.
- Repair, renovate or replace aging classrooms and facilities that lack adequate heating, ventilation, air conditioning, electrical and lighting systems.
- Repair leaky roofs.
- Upgrade utility infrastructure such as electric, communications, environmental, sewer and gas systems to improve function, control and energy efficiency and to reduce energy costs.
- Modernize nursing and firefighting job training centers.

Academic Facility and Technology Upgrade
Projects To Help Students, Military and Veterans to Transfer To Four-Year Universities

Goal and Purpose: Since the costs of attending a public university in California have risen to as much as six times that of Solano College, we need to provide a high quality, affordable, option to students transferring to a four-year university. Improvements to academic facilities and technology implementations will allow it to continue preparing students, military and veterans for transfer to four-year colleges or universities:

- Replace outdated science, laboratories and classrooms to equip students with the advanced skills they need to compete in the fields of science, technology, engineering, mathematics and medicine.
- Increase the capacity to offer distance learning opportunities and on-line courses.
- Expand facilities for Middle College options to high school students to allow them to earn an associate's degree so that when they graduate they are better prepared for college.

21st Century Job Training and Projects
To Increase Collaboration and Partnerships with
Private and Public Employers to Fulfill Local Job Training Needs

Goal and Purpose: Solano College provides essential job training and workforce preparation for students, military and veterans. In today's economic times, these projects will allow the District to continue offering local residents training and education in the nursing, health sciences, biotechnology, and clean energy technology fields, as well as other job training and workforce programs:

- Upgrade facilities and classrooms to meet earthquake and fire safety codes.
- Provide and maintain up-to-date technology, data and communication equipment for job-training programs and facilities.
- Renovate, repair or replace outdated laboratories, classrooms, training centers and support facilities.
- Upgrade and expand telecommunications, Internet and network connections.
- Upgrade and replace computers, hardware and software systems.
- Upgrade and replace classroom instructional equipment.
- Replace or upgrade outdated electrical systems.
- Upgrade job training classrooms for engineering skills.
- Modernize bio-technology job training facilities.
- Provide facilities for vocational engineering, cosmetology, welding and automotive technology.

* * *

The listed projects in the Master Plans 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 and a customary contingency. In addition to the listed projects stated above, the Project List at Solano College and its several centers, also includes the acquisition of a variety of instructional, maintenance and operational equipment, including the reduction or retirement of outstanding lease obligations and interim funding incurred to advance fund projects from the Project List, payment of the costs of preparation of all facility planning, 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; landscaping; repair and replacement of heating and ventilation systems; upgrade of facilities for energy efficiencies, including solar projects; construction of a new library, science building, vocational career center; repair and replacement of worn-out and leaky roofs, windows, walls doors and drinking fountains; removal of outdated buildings and construction of new classrooms and support buildings; renovation of the cosmetology building, renovation of locker rooms; installation wiring and electrical systems to safely accommodate computers, technology and other electrical devices and needs; library upgrades and materials; repair and replacement of fire alarms, emergency communications and security systems; upgrading, resurfacing, replacing or relocating of hard courts, fields, turf and irrigation systems; construct or renovate campus theatre and performing arts and physical education, math and science facilities, retrofit pool; upgrade classrooms; construct new or upgrade existing parking lots or facilities; construct police training complex, maintenance building; repair, upgrade and install interior and exterior lighting systems; replace water and sewer lines and other plumbing system; construct student services buildings in Vacaville and Vallejo; build biotech center, fire training facility and child care facility in Vacaville; replace outdated security systems. The upgrading of technology infrastructure includes, but is not limited to, computers, LCD projectors, portable interface devices, servers, switches, routers, modules, sound projection systems, laser printers, digital white boards, document projectors, upgrade voice-over-IP, call manager and network security/firewall, other miscellaneous equipment and software, and the creation of a technology fund to keep learning technology up-to-date.

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.

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 AND COLLEGE ADMINISTRATOR SALARIES, PENSIONS AND OTHER OPERATING EXPENSES.

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.