

RESOLUTION NO. 809

RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
GAVILAN JOINT 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 within the Gavilan Joint Community College District (the "District"), within Santa Clara County ("Santa Clara County") and San Benito County ("San Benito County") need to be acquired, constructed, improved, and equipped to enable the District to maintain Gavilan College as a valuable community resource, to train 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 four-year colleges; and

WHEREAS, the Board has determined that the addition of new classrooms, and instructional laboratories, instructional equipment; the seismic repair of older facilities; the installation of fire safety equipment; the improvement of electrical, lighting, ventilation and fire detection systems in existing classrooms; the need for disabled access improvements; the increase of available parking spaces; the expansion of the library to include a high-tech learning resource center; 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 Gavilan College for all its 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, 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 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 March 2, 2004, and to request each of the Santa Clara County Registrar of Voters and the San Benito County Registrar of Voters to perform certain election services for the District; and

WHEREAS, in the judgment of the Board, it is advisable to request each of the Santa Clara County Registrar of Voters and the San Benito 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 GAVILAN JOINT 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 Santa Clara County Registrar of Voters and the San Benito 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 \$108 million (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 March 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, enrollment, class size 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 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; 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 Santa Clara County Registrar of Voters, the Santa Clara County Board of Supervisors, the San Benito County Registrar of Voters, and the San Benito County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on March 2, 2004 within the District.

Section 7. That this Resolution shall stand as the "order of election" to each of the Santa Clara County Registrar of Voters and the San Benito County Registrar of Voters to call an election within the boundaries of the District on March 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 Santa Clara County Registrar of Voters and the San Benito County Registrar of Voters no later than December 4, 2003.

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 Santa Clara County and San Benito 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 Santa Clara County and San Benito 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 11<sup>th</sup> day of November, 2003.

BOARD OF TRUSTEES OF THE GAVILAN  
JOINT COMMUNITY COLLEGE DISTRICT

By \_\_\_\_\_  
Board President

Attest:

\_\_\_\_\_  
Secretary

STATE OF CALIFORNIA )  
   )ss  
SANTA CLARA 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 Gavilan Joint Community College District at meeting thereof held on the 11<sup>th</sup> day of November, 2003, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By \_\_\_\_\_  
Secretary

EXHIBIT A

**Gavilan College Job Training, Overcrowding, Repair/Safety Measure:** To prepare students for jobs/four-year colleges, accommodate increasing enrollment and upgrade Gavilan College campuses in Gilroy, San Benito and the Morgan Hill area by:

- Improving fire safety and security;
- Upgrading plumbing/sewer systems;
- Upgrading wiring for computer technology;
- Repairing, acquiring, constructing, equipping classrooms, buildings, libraries and sites

shall Gavilan Joint Community College District issue \$108,000,000 in bonds at legal rates with **citizen oversight**, guaranteed annual audits, no money for administrators' salaries?"

Bonds - Yes

Bonds – No

EXHIBIT B  
FULL TEXT BALLOT PROPOSITION  
OF THE GAVILAN JOINT COMMUNITY COLLEGE DISTRICT  
BOND MEASURE ELECTION MARCH 2, 2004

The following is the full proposition presented to the voters of the Gavilan College District.

**Gavilan College Job Training, Overcrowding, Repair/Safety Measure:** To prepare students for jobs/four-year colleges, accommodate increasing enrollment and upgrade Gavilan College campuses in Gilroy, San Benito County and the Greater Morgan Hill area by:

- Improving fire safety and security;
- Upgrading plumbing/sewer systems;
- Upgrading wiring for computer technology;
- Repairing, acquiring, constructing, equipping classrooms, buildings, libraries and sites

shall Gavilan Joint Community College District issue \$108,000,000 in bonds at legal rates with **citizen oversight**, guaranteed annual audits, no money for administrators' salaries?"

**PROJECTS**

The Board of Trustees of the Gavilan Joint Community College District evaluated the District's urgent and critical facility needs, including safety issues, enrollment growth, energy efficiency and information and computer technology, in developing the scope of projects to be funded, as outlined in the Gavilan College Facilities Master Plan, dated January 9, 2001, updated on November 11, 2003, incorporated herein, and as shall be further amended from time to time. In developing the scope of projects, the faculty, staff and students have prioritized the key health and safety needs so that the most urgent and basic repairs that will make Gavilan College operational and safe for learning are included. 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 Master Plan, which was unanimously approved by the Board of Trustees. This input of faculty, community and business leaders concluded that it would be less expensive to upgrade and repair aging community college buildings and classrooms now, than in the future. **In preparing the Facilities Master Plan, the Board of Trustees made three critical determinations:**

**(i) In tough economic times, community colleges, including Gavilan College, are critically important to re-train people who want to expand their job skills;**

(ii) **Statewide budget cuts are damaging Gavilan College's ability to provide a high-quality college education for local students; and**

(iii) **Because University of California and California State University systems are becoming more expensive, more people rely on community colleges, therefore Gavilan College must be upgraded so it can provide local students with a high quality education they might not otherwise receive.**

The Facilities Master Plan is on file at the District's Office of the Superintendent/President, and includes the following projects:

### **GAVILAN COLLEGE – GILROY CAMPUS**

- **Repair, Upgrade, and/or Replace Aging Obsolete Classrooms, Science Labs, Instructional Facilities, Sites and Utilities:**

Repair, renovate and/or replace deteriorating roofs, corroding pipes and power lines, plumbing, sewer, drainage, electrical systems, wiring, unsanitary and run down bathrooms, antiquated boiler systems, telecommunications, foundations, classrooms, fields and grounds, science laboratories, pools, lecture halls, performing arts, and other instructional facilities, wire classrooms for computers and technology, increase campus security, installation and repair of fire safety equipment, including alarms, smoke detectors, sprinklers, emergency lighting, fire safety doors, increase energy efficiency, reduce operating costs and improve job training and academic instruction, and meet legal requirements for disabled access.

- **Safety Improvements:**

Upgrade existing fire alarms, sprinklers, smoke detectors, intercoms and fire doors; install security systems, exterior lighting, emergency lighting, door locks and fences.

- **Expand Job Training and Academic Classroom, Library and Facility Capacity:**

Increase classroom capacity for academic and job training classes, including math, business, English, science labs, library complex, physical and health education facilities; upgrade, repair, equip, and expand student services buildings to include academic and job training and counseling centers, study areas, lecture/meeting/seminar rooms, computer hook-up and other student support, as well as fine and performing arts, labs; expand maintenance building to support facilities, high technology learning resource center, and classrooms for partnering with a 4-year university to allow residents to obtain a bachelor's degree without commuting.

- **Energy Efficiency Improvements; Repair, Replace and Upgrade Electrical, Mechanical, Old Boiler and Energy Systems To Reduce Energy Consumption:**



Replace old boiler and energy systems, heating, ventilation and air conditioning system and related utility systems; energy efficiency projects designed to increase efficiency.

- **Information Technology Wiring and Equipment:**

Upgrade electrical systems and wiring for computer technology and Internet access; upgrade and replace outdated technology including computers, laboratory equipment and classroom furnishings.

- **Refinance Existing Lease Obligations To Lower Interest Rates and Increase Funds Available For Instruction and Ongoing Maintenance of Classrooms and Buildings.**

- **Safety and Security; Sites; Site Accessibility; Improve Emergency Access:**

Improve pedestrian access routes across campus for safety; improve campus safety and security by adding exterior lighting; implement safety upgrades to relieve gridlock, traffic flow and parking congestion; redesign campus walkways to eliminate unsafe conditions; repair or replace outdated natural gas, water, sewer, storm drain systems; acquire property to expand student capacity, alleviate traffic congestion in neighborhoods adjacent to campus, increase access for emergency vehicles; add parking to accommodate increasing student population.

## **GAVILAN COLLEGE – SAN BENITO CAMPUS**

- **Establish Gavilan College Education Center in San Benito County to Accommodate Growth and Increasing Student Enrollment:**

Provide permanent classrooms, labs, library, job training and college transfer counseling and partner with a 4-year university to allow residents to obtain a bachelor's degree without commuting. Improvements in the San Benito County campus will be made with a combination of bond monies and State matching funds.

## **GAVILAN COLLEGE – GREATER MORGAN HILL AREA CAMPUS**

- **Establish Gavilan College Education Center to Accommodate Growth and Increasing Student Enrollment:**

To provide permanent classrooms, labs, job training and college transfer counseling buildings facilities in the Greater Morgan Hill area, including the acquisition of a site(s) to allow local students greater access to an affordable education. Improvements in the Greater Morgan Hill area campus will be made with a combination of bond monies and State matching funds.

Listed repairs, rehabilitation projects and upgrades will be completed as needed. Each project is assumed to include its share of equipment, 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 Gavilan College, or its several outreach centers, 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. The District will work with the Citizens' Oversight Committee on prioritizing those projects in the event factors beyond the District's control require that project be reconsidered.

**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.**