

RESOLUTION NO. 2016-17-01

RESOLUTION OF THE BOARD OF TRUSTEES OF THE
SHASTA – TEHAMA – TRINITY JOINT COMMUNITY
COLLEGE DISTRICT ORDERING AN ELECTION, AND
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the “Board”) of the Shasta-Tehama-Trinity Joint Community College District (the “District”) has determined that certain educational facilities, infrastructure and equipment at Shasta College need to be upgraded, constructed, renovated, acquired and equipped, in a fiscally prudent manner, to enable the District to maintain Shasta College as a valuable community resource that provides an affordable, local education, which increases the educational opportunities of all local students, including career and support facilities for veterans and active military who desire to learn in-demand job skills or transfer to four-year universities; and

WHEREAS, since the costs of attending public or private universities has become so expensive, more students are relying on community colleges, such as Shasta College, and the high quality, affordable college options they provide; and

WHEREAS, in today’s competitive job environment, the District must continue providing important training and education for local residents entering the workforce for new professions and income opportunities, as well as for local students to earn college credits, certifications and job skills all at a reasonable price; and

WHEREAS, the District has supported our military veterans, many of whom need better access to job placement programs or need to be trained or retrained as they re-enter the civilian workforce; and

WHEREAS, the State of California (the “State”), is not providing the District to adequately maintain Shasta College facilities and 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 help provide funds that cannot be taken away by the State to support local college transfer and job training efforts; and

WHEREAS, such 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 to prepare local students and veterans for transfer to four-year colleges and universities, and/or successful jobs and careers, by means of a general obligation bond, issued in a financially prudent manner; and

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SHASTA COUNTY CLERK

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 annual financial audit requirements 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 from being wasted or used for inappropriate 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, Elections Code Section 9400 *et seq.* 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 Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 8, 2016, and to request each of the Shasta, Tehama, Trinity, Lassen, Modoc and Humboldt County Registrars 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 Shasta, Tehama, Trinity, Lassen, Modoc and Humboldt County Registrars 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 SHASTA-TEHAMA-TRINITY JOINT 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 Shasta, Tehama, Trinity, Lassen, Modoc and Humboldt County Registrars 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 \$139,000,000 (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 November 8, 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 student safety, class size reduction, information technology and the job training program 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 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, among others, 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 (1) 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; and

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.*, 15340 *et seq.* and 15264 *et seq.* and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Education Code Section 5322.

Section 6. That each of the Shasta, Tehama, Trinity, Lassen, Modoc and Humboldt County Registrars of Voters, and each of the Shasta, Tehama, Trinity, Lassen, Modoc and Humboldt County Boards of Supervisors are each hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2016 within the District. Pursuant to Elections Code Section 10403, the District Board acknowledges that the consolidation election will be held and conducted in the manner described in Elections Code Section 10418.

Section 7. That this Resolution shall stand as the "order of election" to each of the Shasta, Tehama, Trinity, Lassen, Modoc and Humboldt County Registrars of Voters to call an election within the boundaries of the District on November 8, 2016.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the Shasta, Tehama, Trinity, Lassen, Modoc and Humboldt County Registrars of Voters no later than August 12, 2016.

Section 9. That the Bonds may be issued pursuant to Education Code Section 15300 *et seq.* and pursuant to Government Code Section 53506. 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 with the Shasta, Tehama, Trinity, Lassen, Modoc and Humboldt County Registrars of Voters 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 each of Shasta, Tehama, Trinity, Lassen, Modoc and Humboldt County is 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 Shasta, Tehama, Trinity, Lassen, Modoc and Humboldt Counties, 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 Elections Code Section 9401) pursuant to the terms of Education Code Section 5363 and Elections Code Section 12112.

ADOPTED, SIGNED AND APPROVED this 18th day of July, 2016.

BOARD OF TRUSTEES OF THE SHASTA-
TEHAMA-TRINITY JOINT COMMUNITY
COLLEGE DISTRICT

By *Rhonda Newe*
Board Vice-President

Attest:
[Signature]
Secretary

STATE OF CALIFORNIA)
)ss
SHASTA COUNTY)

I, Dr. Joe Wyse, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2016-17-01, which was duly adopted by the Board of Trustees of the Shasta-Tehama-Trinity Joint Community College District at meeting thereof held on the 18th day of July, 2016, and that it was so adopted by the following vote:

AYES: 5
NOES: 0
ABSENT: 2
ABSTENTIONS: 0

By *[Signature]*
Secretary

EXHIBIT A

“SHASTA COLLEGE JOB TRAINING/ VETERAN SUPPORT MEASURE. To improve college classrooms and facilities providing education and job training opportunities for students, local residents/ veterans, renovate and expand science, technology, engineering and math labs, training facilities and programs for fire, law enforcement, emergency medical, welding, manufacturing/automotive jobs, upgrade electrical systems, acquire, construct/repair classrooms, facilities, sites/equipment, shall Shasta-Tehama-Trinity Joint Community College District issue \$139,000,000 in bonds at legal rates, requiring citizens’ oversight, independent audits, all funds used locally?”

Bonds – Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION

SHASTA-TEHAMA-TRINITY JOINT COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION NOVEMBER 8, 2016

“SHASTA COLLEGE JOB TRAINING/ VETERAN SUPPORT MEASURE. To improve college classrooms and facilities providing education and job training opportunities for students, local residents/ veterans, renovate and expand science, technology, engineering and math labs, training facilities and programs for fire, law enforcement, emergency medical, welding, manufacturing/automotive jobs, upgrade electrical systems, acquire, construct/repair classrooms, facilities, sites/equipment, shall Shasta-Tehama-Trinity Joint Community College District issue \$139,000,000 in bonds at legal rates, requiring citizens’ oversight, independent audits, all funds used locally?”

Bonds – Yes

Bonds – No

PROJECTS

The Board of Trustees of the Shasta-Tehama-Trinity Joint Community College District, to be responsive to the needs of its community, evaluated Shasta College’s urgent and critical facility needs, and its capacity to provide students, active military and **Veterans** with support facilities, an **affordable education** and prepare them for success in college and careers. **Job training**, safety issues, enrollment, class size reduction and class offerings, and information and computer technology infrastructure were each considered, in developing the scope of projects to be funded. In developing the scope of projects, multiple forums were held and **local job training and job placement needs**, particularly in fire, law enforcement, emergency medical training, science, math, technology and engineering training, were **prioritized**, as well as facilities supporting an affordable education, ensuring the most critical needs that will make Shasta College an effective place for learning will be addressed. **The Board of Trustees determines that Shasta College MUST:**

- (i) **PROVIDE TRAINING AND EDUCATION FOR BETTER PAYING JOBS; AND**
- (ii) **INCREASE EDUCATION AND JOB TRAINING OPPORTUNITIES FOR MILITARY VETERANS; AND**
- (iii) **KEEP ALL FUNDS SUBJECT TO LOCAL CONTROL AND REMAIN LOCAL AT SHASTA COLLEGE, AND NOT BE TAKEN BY THE STATE.**

* * *

**Academic Facility and Technology Upgrade Projects To Help Students,
Military Veterans Train For Better Paying Jobs**

Goal and Purpose: A quality college is good for the local economy because it provides training and education for a skilled workforce and job preparedness.

- **Upgrade and expand facilities for career training in well-paying careers and transfer to universities.**

- Construct classrooms and training facilities for career technical education, including computer science, welding, manufacturing and automotive jobs.
- **Expand facilities for veterans to provide career training and support services to returning veterans seeking training or retraining to reenter the workforce.**
- Provide new science, math and computer labs and expand College facilities providing instruction in Science, Technology, Engineering and Math (STEM).
- Install additional technology infrastructure to improve computer technology and Internet access.
- Construct a regional public safety training center grounds to provide educational programs for fire, law enforcement and emergency medical training.
- Upgrade and replace existing information technology infrastructure and network systems to improve efficiency and increase capacity.
- **Upgrade old restrooms and replace deteriorating plumbing and sewer systems.**
- Upgrade outdated and inadequate electrical systems.
- Renovate, repair or replace outdated 50-year old laboratories, classrooms, and support facilities.
- Improve student safety, disabled access, emergency preparedness, and security systems, including security cameras, emergency mass announcement systems, lighting, fencing, smoke detectors, fire alarms and sprinklers.
- Repair deteriorating electrical lines.

* * *

FISCAL ACCOUNTABILITY

This bond measure has strict accountability requirements including (a) an independent Citizens' Oversight Committee with representation from throughout our region; (b) annual financial audits to make sure money is being spent as promised; (c) no money from this measure will go towards salaries or pensions, and (d) all money will stay local and cannot be taken by the State.

1. 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.

2. FISCAL ACCOUNTABILITY. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT

COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

* * *

The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses and a customary contingency. In addition to the listed projects stated above, authorized projects also include 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 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; replace aging electrical and plumbing systems; repair and replacement of heating and ventilation systems; 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; removal of outdated buildings 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 earthquake safety 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; upgrade classrooms; expand Tehama facilities to provide enhanced student services for students and veterans; install additional technology infrastructure to improve computer technology and Internet access on the Main Campus, Downtown Campus, Intermountain Campus, Trinity Campus and Tehama Campus; build or upgrade facilities for math, physical sciences, agriculture, fine arts, and performing arts; improve campus signage; upgrade existing parking lots; repair, upgrade and install interior and exterior lighting systems; replace water and sewer lines and other plumbing systems; construct, upgrade or expand humanities buildings, physical education/ aquatic facilities, gym, locker rooms, administrative offices, public safety office, maintenance building, student service/ campus center, student housing and instructional buildings, trades and technology buildings, library, auto shop, athletic fields, student services building, parking lots, turf; improve water conservation and energy efficiency; acquire land; replace elevators; replace outdated security 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, emergency mass announcement systems, 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, the acquisition of computers, LCD 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 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.