

RESOLUTION NO. 04072201

RESOLUTION OF THE BOARD OF TRUSTEES OF THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the "Board") has determined that certain facilities and equipment within the West Valley-Mission Community College District (the "District"), within Santa Clara County ("Santa Clara County") and Santa Cruz County ("Santa Cruz County") need to be maintained, acquired, constructed, improved, equipped and furnished to enable the District to maintain both West Valley College and Mission College campuses 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 four-year colleges; and

WHEREAS, due to the age and condition of many of the District's facilities, the District has been less able to provide necessary education programs and thus West Valley-Mission Community College District must act to maintain their campuses and provide a balance of job training and general education classes; and

WHEREAS, the Board has determined that the modernization and replacement of worn-out classrooms, buildings, laboratories and instructional equipment; the provision of state-of-the-art computer technology; the installation of fire safety equipment; the improvement of electrical, lighting, ventilation and fire detection systems in existing classrooms; the need for disabled student access improvements; and the improvement of campus safety are also 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 maintain the West Valley College and Mission 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

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AUG 04 2004

REGISTRAR OF VOTERS
COUNTY OF SANTA CLARA

By _____

AUG 04 2004

WHEREAS, concurrent with the passage of ~~REGISTRAR OF VOTERS COUNTY OF SANTA CLARA~~ 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 Santa Clara and Santa Cruz 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 Santa Clara and Santa Cruz 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 THE WEST VALLEY-MISSION 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 each of the Santa Clara County Registrar of Voters and the Santa Cruz 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 \$235 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 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 college operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit "B", evaluated the safety, 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 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; and

(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.

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 Santa Cruz County Registrar of Voters and the Santa Cruz 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 the Santa Clara County Registrar of Voters and the Santa Cruz 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 the Santa Clara County Registrar of Voters and the Santa Cruz County Registrar of Voters no later than July 29, 2004.

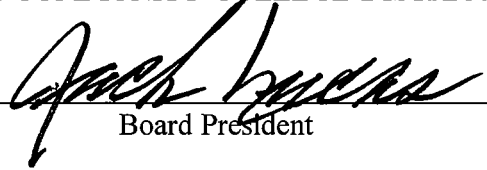
Section 9. That the maturity of any Bonds issued pursuant to Section 15100 of the Education Code, and Bonds issued pursuant to Section 53506 of the Government Code shall not exceed the maturity limits set forth therein, respectively. The maximum interest rate on any Bond shall not exceed the maximum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

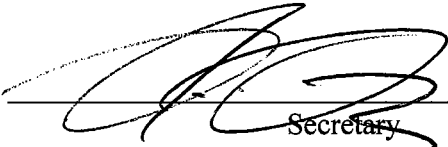
Section 11. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of each of Santa Clara and Santa Cruz County are requested to permit the Registrars of Voters of each of Santa Clara and Santa Cruz County to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse each of Santa Clara and Santa Cruz 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 22nd day of July, 2004.

BOARD OF TRUSTEES OF THE WEST VALLEY-
MISSION COMMUNITY COLLEGE DISTRICT

By 
Board President

Attest:


Secretary

STATE OF CALIFORNIA)
)ss
SANTA CLARA COUNTY)

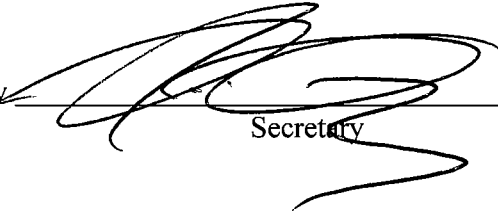
I, Stan Arterberry, do hereby certify that the foregoing is a true and correct copy of Resolution No. 04072201 which was duly adopted by the Board of Trustees of the West Valley-Mission Community College District at meeting thereof held on the 22nd day of July, 2004, and that it was so adopted by the following vote:

AYES: 6

NOES: 0

ABSENT: 1

ABSTENTIONS: 0

By 
Secretary

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EXHIBIT A

Community College Repair/Job Training Measure: "To repair/upgrade West Valley and Mission Colleges, improve training/transfer programs, upgrade fire safety, repair leaky roofs, improve disabled access, repair/expand job training classrooms for nurses, police, firefighters, paramedics, upgrade classroom technology for a changing workforce, repair, construct, equip buildings, classrooms, libraries, sites, science/computer labs, shall West Valley-Mission Community College District issue \$235 million in bonds, at legal rates, with annual audits, citizen oversight and no money for administrator's salaries?"

13
12
12
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4

Bonds - Yes

Bonds - No

Full text begins per Johnn 2:55pm

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EXHIBIT B
FULL TEXT BALLOT PROPOSITION
OF THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION NOVEMBER 2, 2004

Community College Repair/Job Training Measure: “To repair/upgrade West Valley and Mission Colleges, improve job training/transfer programs,

- Upgrade fire safety,
- Repair leaky roofs,
- Improving disabled access,
- Repair/expand job training classrooms for nurses, police, firefighters, paramedics,
- Upgrade classroom technology for a changing workforce,
- Repair, construct, equip buildings, classrooms, libraries, sites, science/computer labs,

shall West Valley-Mission Community College District issue \$235 million in bonds, at legal rates, with annual audits, citizen oversight and no money for administrator’s salaries?”

Bonds - Yes

Bonds – No

PROJECTS

The Board of Trustees of the West Valley-Mission Community College District, to be responsive to the needs of students and the community, evaluated the District’s urgent and critical facility needs, including facility maintenance, safety issues, class offerings, energy cost reduction and information and computer technology, in developing the scope of projects to be funded, as outlined in both the District’s West Valley College Educational and Facilities Master Plan, dated February 16, 2001, and as shall be amended from time to time and the Mission College Educational and Facilities Master Plan, dated October 2, 2001, and as shall be amended from time to time (together, the “Educational and Facilities Master Plan”) including the “Tiered Facilities Priorities For The 2004 Bond Measure” dated and approved by the Board of Trustees on July 22, 2004. In developing the scope of projects the faculty, staff and students have prioritized the key health and safety needs so the most critical needs and the most urgent and basic repairs that will make both campuses the clean and safe for learning are addressed. 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. This input of faculty and community leaders concluded that if these needs were not addressed now, the problems would only get worse. **In preparing the Facilities Master Plan, the Board of Trustees made five important determinations:**

- (i) **In tough economic times, both West Valley College and Mission College must provide programs to retrain people who want to expand their job skills;**
- (ii) **West Valley College and Mission College must provide adequate facilities to offer lifelong learning programs for seniors and other residents;**

- (iii) **West Valley College and Mission College must provide affordable educational opportunities, facilities and classes for academic programs for students who want to transfer to four-year colleges;**
- (iv) **West Valley-Mission Community College District must upgrade and expand job training classrooms to meet the demands of a changing workforce particularly to train police, firefighters, paramedics and nurses who play a critical role in responding to emergencies; and**
- (v) **West Valley-Mission Community College District must help provide a better-educated workforce which will benefit local businesses and stimulate our economy through new classrooms, computer labs and expanded job training programs.**

The Educational and Facilities Master Plan is on file and available for review at the District's Chancellor's Office and Public Information Office, as well as at the offices of the Presidents of West Valley College and Mission College, and includes the projects listed below. The District's current estimate is that the projects listed below and marked with an asterisk (*) can be completed with the bond proceeds. The District is pursuing additional State funding, which may allow a substantial portion of the District's Educational and Facilities Master Plan to be completed.

WEST VALLEY COLLEGE

- **Upgrade, Maintain, Equip, and/or Replace, Obsolete Classrooms, Science and Computer Labs, Library, Instructional Facilities, Sites and Utilities; Meet Demands of Changing Workforce; Improve Accessibility for Disabled:**

Upgrade math/science buildings to include educational equipment and laboratories*; provide state-of-the-art computer technology capability for students*; repair, build upgrade and/or replace leaky roofs*, decaying walls*, old ceiling tiles and flooring*, plumbing*, sewer*, drainage*, inefficient electrical systems*, wiring*, unsanitary and run down bathrooms*, heating*, ventilation and cooling systems*, telecommunication systems*, classrooms*, learning resource center*, fields and grounds, science laboratories*, technology center*, adaptive physical education lab for disabled students*, and dance studio*, language arts/social service building*, campus center*, lecture halls*, public safety*, records*, counseling buildings*, and other instructional facilities*; wire classrooms for computers and technology*, increase safety*, increase energy efficiency*, acquire equipment*, reduce fire hazards*, reduce operating costs so more classes and job training can be offered*, improve academic instruction, and meet legal requirements for disabled access.

- **Technology Upgrades:**

Upgrade Internet access and cable technology*; create "smart classrooms"*; upgrade telecommunication systems*; campus-wide technology upgrades*, computers*; replace outdated equipment*.

- **Repair, Replace and Upgrade Electrical and Mechanical Systems to Reduce Energy Consumption and Utility Bills and Accommodate Computer Technology, Internet Access and Communications Systems*.**

- **Disabled Access; Safety Improvements; Asbestos Removal:**

Remove all harmful asbestos*; upgrade existing fire alarms*, sprinklers*, smoke detectors*, intercoms and fire doors*; install security systems*, exterior lighting*, emergency lighting*, signage*, door locks and fences*, erosion controls*, repair uneven sidewalk and walkways*, improve accessibility for the disabled*.

- **Expand Classroom and Facility Capacity, Upgrade Classrooms/Labs For Nursing and Emergency Medical and Public Safety Services; Library-Research-Learning Center:**

Increase permanent classroom and facility capacity for academic and job training classes*, including math, health care, science labs, student services, physical and health education facilities, graphic, fine and performing arts*; child development center*; applied arts and sciences*; campus technology*; construct “smart classrooms” for enhanced distance learning*.

- **Improve Emergency Access and Evacuation Routes:**

To improve student safety*, improve campus road network and surfacing*, reduce gridlock*, improve pedestrian safety and increase access for emergency vehicles*.

MISSION COLLEGE

- **Technology Upgrades:**

Provide state-of-the-art technology facilities, upgrade Internet access and cable technology*; create “smart classrooms*” to improve distance learning; upgrade telecommunication systems; campus-wide technology*, computers*; replace outdated equipment*, upgrade wiring*.

- **Repair, Upgrade, Equip, and/or Replace Obsolete Classrooms, Science and Computer Labs, Instructional Facilities, Sites and Utilities; Meet Demands of Changing Workforce:**

Repair, upgrade and/or replace leaky roofs*, decaying walls*, old ceiling tiles and flooring*, plumbing*, sewer*, drainage*, electrical systems*, wiring*, unsanitary and run down bathrooms*, heating*, ventilation and cooling systems*, telecommunication systems*, classrooms*, fields and grounds, library, science laboratories*, physical and health education lecture halls*, fire fighting facilities* and other faculty, administrative and instructional facilities*; wire classrooms for computers and technology*, increase safety*, increase energy efficiency*, acquire equipment*, reduce fire hazards, reduce operating costs so more classes and job training can be offered*, improve academic instruction, and meet legal requirements for disabled access*.

- **Improve Emergency Access and Evacuation Routes; Improve Access for Disabled:**

To improve student safety*, improve campus road network to eliminate unsafe conditions*, reduce gridlock, improve pedestrian safety and increase access for emergency vehicles*; link and add parking areas; provide improved disabled access*; add parking to accommodate increasing student population and reduce congestion.

- **Disabled Access; Safety Improvements; Asbestos Removal, Seismic Upgrades:**

Remove all harmful asbestos; upgrade existing gas lines, pipes, sewer system*, storm drains*, fire alarms*, sprinklers, smoke detectors*, intercoms and fire doors; install security systems*, exterior lighting*, emergency lighting*, signage*, door locks and fences*, erosion controls, repair uneven sidewalk and walkways*; upgrade facilities for earthquake safety*.

- **Repair, Replace and Upgrade Electrical and Mechanical Systems and Central Plant to Reduce Energy Consumption and Utility Bills and Accommodate Computer Technology, Internet Access and Communications Systems.**
- **Build Classrooms, Science Labs and Facilities:**
Upgrade the capacity for academic and job training classes*, including basic education classes such as math and English, science labs, fine arts, contract education; humanities/fine art classrooms, conference rooms and labs*.

DISTRICT-WIDE PROJECTS

- **Provide greater access to technology, upgrading electrical wiring, fiber optics and infrastructure for computers and telecommunication systems at both West Valley College and Mission College campuses*.**
- **Refinance existing lease obligations to save expense and increase funds available for student instruction*.**
- **Replace District-wide heating, ventilation and air conditioning systems to realize energy cost savings*.**
- **Install security alarm systems, video cameras and keyless entry systems to ensure student safety*.**

Listed building, repair, and rehabilitation projects and upgrades will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program 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 bond 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. Based on the final costs of each project, 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 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.

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 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; PROVIDED,

HOWEVER, NO BOND PROCEEDS SHALL BE SPENT AT WEST VALLEY COLLEGE ON THE FOOTBALL/TRACK, STADIUM/FIELD.

F.T. Ends

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begins

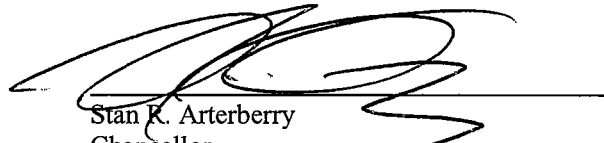
Tax Rate Statement
West Valley - Mission Community College District
Bond Measure ___

An election will be held in the West Valley - Mission Community College District (the "District") on November 2, 2004, for the purpose of submitting to the electors of the District the question of incurring a bonded indebtedness of the District in a principal amount not to exceed \$235 million. If such bonds are authorized and sold, the principal thereof and interest thereon will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information regarding tax rates is given to comply with Section 9401 of the California Elections Code. Such information is based upon the best estimates and projections presently available from official sources, upon experience with the District, and other demonstrable factors.

Based upon the foregoing and projections of the District's assessed valuation, and assuming the entire debt service will be paid through property taxation:

1. The best estimate of the tax rate that would be required to be levied to fund the bond issue during the first fiscal year after the sale of the first series of bonds based on estimated assessed valuations available at the time of filing of this statement is 1.4 cents per \$100 of assessed valuation (or \$14.00 per \$100,000 of assessed valuation) for fiscal year 2005-06.
2. The best estimate of the tax rate that would be required to be levied to fund the bond issue during the first fiscal year after the sale of the last series of bonds based on estimated assessed valuations available at the time of filing of this statement is 1.4 cents per \$100 of assessed valuation (or \$14.00 per \$100,000 of assessed valuation) for fiscal year 2011-12.
3. The best estimate of the highest tax rate that would be required to be levied to fund the bond issue, and an estimate of the years in which that rate will apply, based on estimated assessed valuations available at the time of the filing of this statement is again 1.4 cents per \$100 of assessed valuation (or \$14.00 per \$100,000 of assessed valuation), which is projected to be the same in every fiscal year that the bonds remain outstanding.

Attention to all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which are not binding upon the District. The actual timing of bond sales and the amount of bonds sold at any given time will be governed by the needs of the District, the state of the bond market, and other factors. The actual interest rates on any bonds sold will depend upon market conditions and other factors at the time of sale. The actual assessed valuations in future years will depend upon the value of property within the District as determined in the assessment and equalization process. Therefore, the actual tax rates and the years in which such rates are applicable may vary from those presently estimated as stated above.


Stan K. Arterberry
Chancellor
West Valley - Mission Community College District

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