

RESOLUTION NO. 02-01

RESOLUTION OF THE BOARD OF TRUSTEES OF THE
MONTEREY PENINSULA 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 Monterey Peninsula Community College District (the “District”), within Monterey County (the “County”) need to be acquired, constructed, improved, and equipped to enable the District to maintain Monterey Peninsula 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 a four-year college; and

WHEREAS, the Board has further determined that since many of the District’s facilities are over 40-years old, most classrooms, training facilities and infrastructure need to be upgraded and repaired to provide students with an educational environment that is technologically current and conducive to learning; 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 modernize Monterey Peninsula College for all its students; and

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

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

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act (“Proposition 39”) which, as of its effective date, reduced the voter threshold for *ad valorem* tax levies used to pay for debt service or bonded indebtedness to 55% of the votes cast on a community college district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the “Act”) became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain performance audits, standards of financial accountability and citizen oversight which are contained in Proposition 39 and the Act; and

WHEREAS, the Board determines that the restrictions in Proposition 39 which prohibit any bond money to be used for administrator salaries and expenses be strictly enforced by a Citizens Oversight Committee; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on November 5, 2002, and to request each of the Monterey 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 the Monterey 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 MONTEREY PENINSULA 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 Monterey 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 \$145 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 5, 2002.

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 reduction 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 \$25 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 Monterey County Registrar of Voters and the Monterey County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 5, 2002 within the District.

Section 7. That this Resolution shall stand as the “order of election” to each of the Monterey County Registrar of Voters to call an election within the boundaries of the District on November 5, 2002.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the Monterey County Registrar of Voters no later than August 9, 2002.

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 Monterey County is 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 Monterey County, such services to include the publication of a Formal Notice of School Bond Election, the inclusion of Exhibit B hereto in the voter pamphlet, 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.

EXHIBIT A

“To prepare Monterey Peninsula College students for jobs and 4-year universities by repairing deteriorating roofs, worn wiring/plumbing, inefficient heating/cooling systems; renovating aging classrooms, labs; repairing/acquiring/constructing/equipping college buildings, library, public safety training facility, sites, science and computer labs; upgrading technology campus-wide and training computer technicians; shall Monterey Peninsula Community College District issue \$145,000,000 in bonds at legal rates with **Strict Accountability Safeguards**, including **Citizens Oversight Committee**, annual audits, no money for administrators’ salaries?”

Bonds - Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
OF THE MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION NOVEMBER 5, 2002

“To prepare Monterey Peninsula College students for jobs and 4-year universities by repairing deteriorating roofs, worn wiring/plumbing, inefficient heating/cooling systems; renovating aging classrooms, labs; repairing/acquiring/constructing/equipping college buildings, library, public safety training facility, sites, science and computer labs; upgrading technology campus-wide and training computer technicians; shall Monterey Peninsula Community College District issue \$145,000,000 in bonds at legal rates with **Strict Accountability Safeguards**, including **Citizens Oversight Committee**, annual audits, no money for administrators’ salaries?”

PROJECTS

The Board of Trustees of the Monterey Peninsula College District evaluated the District’s urgent and critical facility needs, including class size reduction, safety, energy reduction and information and computer technology in determining the following projects:

Repair, Renovate, and/or Replace Obsolete Classrooms, Science Labs, Instructional Facilities and Utilities:

Repair, renovate and/or replace deteriorating roofs, walls, plumbing, windows, wiring, heating and ventilation systems, bathrooms, 40-year old utility systems, telecommunications, foundations, classrooms, science laboratories, lecture halls and other instructional facilities to wire classrooms for computers and technology, increase safety, increase energy efficiency, reduce operating costs so more classes can be offered, and improve academic instruction. Install fire safety equipment, including alarms, smoke detectors, sprinkler, emergency lighting, door hardware and fire safety doors.

Improve Emergency Access and Evacuation Routes:

To improve student safety, redesign campus road and sidewalk network to increase parking, eliminate unsafe conditions, reduce gridlock, improve pedestrian safety and increase access for emergency vehicles; provide safer access for ADA compliance.

Renovate, Repair, Equip, Construct and/or Expand Classroom Buildings:

Renovate, repair, equip, and construct and/or expand classroom buildings to include academic advisement centers, study areas, lecture/meeting/seminar rooms, computer hook-up and study areas, as well as a new child care center.

Repair, Replace and Renovate Electrical and Mechanical Systems to Reduce Energy Consumption:

A comprehensive study by independent engineers has identified energy reduction projects that could significantly reduce energy consumption.

Remove Hazardous Asbestos From Educational Buildings:

Due to their old age, many of the buildings were constructed with materials containing unsafe levels of asbestos and lead paint, and such hazards need to be eliminated.

Improve Parking Conditions:

To relieve neighborhood traffic stress and provide safer, better lighted parking areas, construct parking facilities, restore surface lots, entrance pathways and lighting for safety.

Equipment:

Replace old vehicles, classrooms, equipment and playground equipment for the Child Development Center.

Math and Science Buildings:

Upgrade and expand the math and science buildings, add classrooms/labs, and student access to lab technicians to address the critical shortage of healthcare professionals, especially and to prepare local students for careers and four-year college degrees in science and technology jobs and professions.

Instructional Technology/Computer Centers:

Expand technology and computer centers with high-speed Internet access and computer technology; campus-wide technology upgrades.

Public Safety Training Center:

Construct a public safety training center at Fort Ord.

Classroom Building Renovations:

Repair and renovate the old Library Building, Student Services Building, Business-Humanities Building, Physical Sciences Building, and the College Center Building so that each structure may be adapted for better educational use.

Theater, Amphitheater, Physical Education Facilities:

Renovate theater with new pit, loading platform and dust collection system for shop; rebuild amphitheater; replace deteriorated athletic facilities.

The specific allocation of bond money may be affected by the District's receipt of state and other contribution funds and final costs of each project. The budget for each project may be affected by factors beyond the District's control. The Board of Trustees will establish the timing of projects after review by the Citizens Oversight Committee.

The expenditure of bond money on these projects are subject to tough 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 all funds are spent as promised and specified. No money can be spent on administrators' or staff salaries. By law, all funds can only be spent on repair and improvement projects specified by the voters .