

ITEM NO: 3.2
DATE: July 5, 2006

SUBJECT: BOND MEASURE

SYNOPSIS:

Resolution 07-06-01 requesting and order of election for a Bond Measure

RECOMMENDATION:

The Superintendent/President recommends approval of Resolution 07-06-01.

ANALYSIS:

The Board of Trustees of the Mendocino-Lake Community College District desires to finance the costs of acquiring, constructing, reconstruction and/or equipping of College facilities of the District.

Resolution 07-06-01 requests the Mendocino County Registrar of Voters, and the Lake 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 \$67,500,000 shall be issued and sold to raise money for the purposes set forth in the ballot measure.

MOTION/ACTION:

RESOLVED, that the Mendocino-Lake Community College District Board of Trustees does adopt Resolution 07-06-01 calling for an election under the provisions of Proposition 39 for a Bond Measure.

RESOLUTION NO. 07-06-01

RESOLUTION OF THE MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES 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 Mendocino-Lake Community College District (the “District”), within Mendocino County and Lake County need to be acquired, constructed, improved, and equipped to enable Mendocino College to continue to provide affordable, local higher education and to train and re-train local residents for higher-paying and skilled jobs, particularly in health care and public safety services, and to enhance the educational opportunities of the students in the District who desire to transfer to four-year colleges and universities; and

WHEREAS, the Board has determined that the addition of new classrooms, especially for public safety and emergency services training, academic laboratories and instructional equipment; necessary upgrades to computer and technology infrastructure; the installation of fire safety equipment; the improvement of electrical, lighting, ventilation and safety systems in existing classrooms; the repair of leaky roofs; and the need for disabled access improvements, are also among the highest priorities of the Board; and

WHEREAS, the Board, in collaboration with staff and the community has prepared a Bond Implementation Plan, which outlines the facility needs of Mendocino College; and

WHEREAS, completion of the Bond Implementation Plan will assist the economic growth of Mendocino and Lake Counties and prepare Mendocino College graduates for local employment; and

WHEREAS, notwithstanding ongoing efforts by the District to obtain sufficient facility funding from the State of California (the “State”), the State has been unable to provide the District with enough money to adequately maintain and expand Mendocino 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, as interpreted by the Attorney General of the State of California, 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 November 7, 2006, and to request each of the Mendocino County Registrar of Voters, and the Lake 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 Mendocino County Registrar of Voters, and the Lake 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 MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100, 15264 *et seq.*, and Government Code Section 53506, hereby requests each of the Mendocino County Registrar of Voters, and the Lake 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 \$67,500,000 (the "Bonds") shall be issued and sold to raise money for the purposes described in Exhibits "A" and "B" hereto. Exhibit B hereto is directed to be printed in the voter pamphlet.

Section 2. That the date of the election shall be November 7, 2006.

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 compliance with Proposition 39, and 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 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; 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 Mendocino County Registrar of Voters, the Mendocino County Board of Supervisors, the Lake County Registrar of Voters, and the Lake County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 7, 2006 within the District.

Section 7. That this Resolution shall stand as the “order of election” to each of the Mendocino County Registrar of Voters, and the Lake County Registrar of Voters to call an election within the boundaries of the District on November 7, 2006.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the Mendocino County Registrar of Voters, and the Lake County Registrar of Voters no later than July 19, 2006.

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 Mendocino County, and Lake 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 Mendocino County and Lake County, such services to include the printing of the Full Text Ballot Proposition in the voter pamphlet, 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 5th day of July, 2006.

MENDOCINO-LAKE COMMUNITY COLLEGE
DISTRICT BOARD OF TRUSTEES

By 
Joan M. Eriksen
Board President

Attest:


Kathryn G. Lehner
Superintendent/President and
Secretary to the Mendocino-Lake Community College
District Board of Trustees

STATE OF CALIFORNIA)
) ss
MENDOCINO COUNTY)

I, Kathryn G. Lehner, do hereby certify that the foregoing is a true and correct copy of Resolution No. 07-06-01, which was duly adopted by the Board of Trustees of the Mendocino-Lake Community College District at meeting thereof held on the 5th day of July, 2006, and that it was so adopted by the following vote:

AYES: 7
NOES: 0
ABSENT: 0
ABSTENTIONS: 0

By *Kathryn G. Lehner*
 Kathryn G. Lehner
 Superintendent/President and Secretary
 to the Mendocino-Lake Community College
 District Board of Trustees

EXHIBIT A

“Mendocino College Improvement Measure: To improve education at Mendocino College by:

- Improving and expanding academic facilities to help students prepare for jobs and transfer to 4-year universities,
- Upgrading computers and technology,
- Building a new library/learning center,
- Expanding facilities for nursing and other vocational programs,

and by acquiring, constructing, equipping buildings, sites and classrooms, shall Mendocino-Lake Community College District issue \$67.5 million in bonds, at legal rates, and appoint a Citizens’ Oversight Committee to monitor expenditures?”

Bonds - Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
OF THE MENDOCINO-LAKE COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION NOVEMBER 7, 2006

The following is the full proposition presented to the voters of the Mendocino-Lake Community College District.

“Mendocino College Improvement Measure: To improve education at Mendocino College by:

- Improving and expanding academic facilities to help students prepare for jobs and transfer to 4-year universities,
- Upgrading computers and technology,
- Building a new library/learning center,
- Expanding facilities for nursing and other vocational programs,

and by acquiring, constructing, equipping buildings, sites and classrooms, shall Mendocino-Lake Community College District issue \$67.5 million in bonds, at legal rates, and appoint a Citizens’ Oversight Committee to monitor expenditures?”

Bonds - Yes

Bonds – No

PROJECTS

The Board of Trustees of the Mendocino-Lake Community College District Board of Trustees evaluated the District’s urgent and critical facility needs, including demands for public safety and health care job training, other career preparation programs, enrollment growth and class size, safety issues, energy cost reduction and information and computer technology, in developing the scope of projects to be funded, as outlined in the Mendocino-Lake Community College District Bond Implementation Plan (“Bond Plan”) incorporated herein, and as may be further amended from time to time. In developing the scope of projects the faculty, staff and students have prioritized the key job training, health and safety needs and enrollment demands so the most critical needs are addressed. The Board received public input and review in developing the scope of college facility projects to be funded, as listed in the Bond Plan. This input of faculty, community and business leaders concluded that if these needs were not addressed now, the problems would only get worse. **The Bond Plan reflects four important determinations:**

- (i) Mendocino College must continue to provide facilities to expand nursing and vocational programs;**
- (ii) Mendocino College must leverage a local bond and aggressively apply for State of California matching funds to improve local college facilities and support the local economy;**
- (iii) Mendocino College serves a region of 3,000 square miles and must dedicate itself to its role as the primary source of higher education in the area for recent high school graduates and local adults seeking job skills;**

- (iv) **Mendocino College must provide facilities to allow it to expand its course selection in general academic classes for university transfer, traditional job training programs such as emergency medical training, paramedic studies and public safety, as well as for emerging career opportunities in computer graphics and other high-tech jobs.**

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

MENDOCINO COLLEGE, Ukiah Campus

- **Repair, Upgrade, and/or Replace Obsolete Classrooms, Science and Computer Labs, Instructional Facilities, Sites and Utilities, Solar Energy Field:**

Repair, upgrade and/or replace deteriorating plumbing, electrical systems, wiring, unsanitary and run down bathrooms, leaky roofs, floors, inadequate doors, heating, ventilation and cooling systems, security systems, science laboratories and other instructional facilities; wire for computers and upgrade classroom technology; acquire equipment, including equipment for theater, recording studio and physical education; increase safety; build a solar energy field to produce electricity to power the campus; increase energy efficiency; reduce fire hazards; reduce operating costs so more classes and job training can be offered; install lighting for campus safety; improve academic instruction; and meet legal requirements for disabled access.

- **Build and/or Expand Classroom Buildings and Facilities to Maintain Affordable, Local Higher Education Allowing University Transfer/Job Training:**

Increase classroom capacity for academic classes and job training, including nursing, emergency service workers, paramedics, teaching, English, and math; build or expand laboratories, technology and information management and district-wide technology support, student information services software, allied health center, academic and career counseling, college transfer, job training/placement and financial aid advisement centers, career skills center for adult education, library/learning resource center, and maintenance warehouse; renovate library building for student center/cafeteria, physical education facilities, playing fields and grounds, computer graphics lab, media technology center, visual and performing arts classrooms and labs; expand computer access.

- **Technology Upgrades/Computer Centers:**

Expand technology and computer centers with high-speed Internet access and computer technology; create "smart classrooms" to improve teaching and learning; upgrade software, computer and technology infrastructure and campus-wide technology; provide software training; replace outdated equipment; expand on-line and distance learning classes and opportunities.

- **Expand Classroom and Campus Capacity:**

Increase classroom capacity for academic classes and job training, including nursing, emergency medical, math, science labs, English, art, visual and performing arts classes and labs; acquire property; develop additional campus parking.

- **Repair, Replace and Upgrade Aging Electrical and Mechanical Systems to Reduce Energy Consumption and Utility Bills.**

- **Improve Campus Safety:**

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

MENDOCINO COLLEGE, Education Centers in Lake County and Willits

- **Acquire sites, construct and equip new permanent classrooms, educational and student support facilities to offer classes such as math, English, science, technology and establish programs for university transfer and job training.**

Listed building, repair, and rehabilitation projects and upgrades will be completed as needed. Each project is assumed to include its share of furniture, equipment (either new or upgrading existing equipment, including vocational equipment, technology equipment, and equipment used in physical education and the performing arts), 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 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. Demolition of existing facilities and reconstruction of facilities scheduled for modernization, if the Board determines that such an approach would be more cost-effective in creating a more enhanced and operationally efficient campus. Necessary site preparation/restoration 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.

The bond program is designed to provide facilities which will serve current and expected enrollment. In the event of an unexpected slowdown in enrollment of students at Mendocino College 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.