

RESOLUTION NO. 1034

RESOLUTION OF THE BOARD OF TRUSTEES OF GAVILAN  
JOINT COMMUNITY COLLEGE DISTRICT ORDERING AN  
ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE  
ELECTION ORDER

WHEREAS, the Board of Trustees (the “Board”) of the Gavilan Joint Community College District (the “District”) has determined that certain educational facilities need to be constructed, renovated, acquired and equipped, in a fiscally prudent manner, to enable the District to maintain Gavilan College as a valuable community resource that provides an affordable education to local students and veterans who desire to learn job skills and transfer to four-year universities; and

WHEREAS, since the costs of attending California’s public universities has become so expensive, more local students are relying on community colleges, such as Gavilan College, and the high quality, affordable college options it provides; and

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

WHEREAS, because of our changing economy our classrooms and labs must be upgraded to provide students with up-to-date skills in science, math, engineering, computer science and cyber security; and

WHEREAS, Gavilan College wants to upgrade school security to keep students safe by installing cameras, lighting, smoke detectors, fire alarms, sprinklers and up-to-date security measures including improved security and emergency communication systems; and

WHEREAS, some buildings on campus need basic improvements such as the repair or replacement of leaky roofs, old rusty plumbing and faulty electrical systems; and

WHEREAS, inasmuch as Gavilan College serves many military veterans, many of whom have recently returned from war zones, Gavilan College needs to upgrade and expand the Veterans’ Center which provides job training, job placement and support services to military veterans and their families; and

WHEREAS, Gavilan College must continue to train healthcare professionals that serve our medical needs, the police and firefighters that keep us safe, and the skilled workers who fuel our local economy; and

WHEREAS, our residents need better access to high-quality, affordable education in the Hollister area and facilities are needed there to increase access to a variety of classes, certified programs and degrees; and

WHEREAS, the State is not providing the District with enough money for the District to adequately maintain Gavilan College’s educational facilities and academic 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 provide funds to support local college transfer and job training that cannot be taken away by the State; and

WHEREAS, a local measure will permit the District to ensure a safe, healthy work and study environment by improving campus safety, repairing leaky roofs, old rusty plumbing, and faulty electrical systems; and

WHEREAS, a local measure will update Gavilan College education facilities and technology to prepare students for 21<sup>st</sup> century jobs in computer science and cyber security; and

WHEREAS, a local measure will help Gavilan College expand classrooms and career training facilities for growing local industries like construction management, water technology, agriculture, child development, hospitality and drone technology and aviation maintenance at San Martin Airport; and

WHEREAS, such a 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 for job training and workforce preparation for students of all ages, veterans and local residents and to improve facilities for course opportunities in science, math, engineering and technology, and other technical vocational careers, by means of a general obligation bond issued in a financially prudent manner; and

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 performance audits, 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 to be used for 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.* of the Elections Code (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 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 November 6, 2018, and to request both 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 both 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; and

WHEREAS, the District acknowledges that Santa Clara County may conduct the election under the California Voters Choice Act and Elections Code Sections 3017 and 4005.

NOW THEREFORE, THE BOARD OF TRUSTEES OF GAVILAN 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 and Elections Code Sections 3017 and 4005, 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 of \$248,000,000 (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. The District’s Superintendent/President, Vice President of Administrative Services, or designee of the Superintendent/President is hereby authorized and directed to make any changes to the text of the measure, or to the abbreviated form of the measure, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of election officials, and requirement of law.

Section 2. That the date of the election shall be November 6, 2018.

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 needs of returning veterans, safety, university transfer, enrollment

trends, class size reduction, class availability, information technology and technical job training facilities 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 types of 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 all of 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 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.

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 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 November 6, 2018 within the District, and pursuant to Elections Code Section

10403, the District acknowledges that the consolidation election will be held and conducted in the manner described in Election Codes Section 10418.

Section 7. That this Resolution shall stand as the “order of election” to both 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 November 6, 2018.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to both the Santa Clara County Registrar of Voters and the San Benito County Registrar of Voters no later than August 10, 2018.

Section 9. That the bonds shall be issued pursuant to Education Code Section 15300 *et seq.* or issued 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 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 Education Code Section 5303 and Elections Code Section 10002, the Santa Clara and San Benito Counties Boards of Supervisors are requested to permit their respective Registrars of Voters to render all services specified by Elections Code Section 10418, for which services the District agrees to reimburse both Santa Clara and San Benito 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 10<sup>th</sup> day of July, 2018.

BOARD OF TRUSTEES OF THE GAVILAN JOINT  
COMMUNITY COLLEGE DISTRICT

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

Attest:

\_\_\_\_\_  
Secretary



EXHIBIT A

“GAVILAN COLLEGE AFFORDABLE EDUCATION/ JOB TRAINING/ COLLEGE TRANSFER/ VETERANS SUPPORT MEASURE. To upgrade classrooms, science, healthcare, technology, engineering/career training labs, repair aging facilities, shall Gavilan Joint Community College District’s measure authorizing \$248,000,000 in bonds at legal rates, levying 2 cents/\$100 assessed value, \$14,000,000 annually while bonds are outstanding, constructing, acquiring, repairing classrooms, facilities, sites/equipment, Veterans’ Center, adding a campus in San Benito County, improving local access to affordable education, with citizen oversight, all money locally controlled, be approved?”

Bonds - Yes

Bonds – No

EXHIBIT A-1

“To upgrade classrooms, labs/career training facilities for science, healthcare, technology, public safety, engineering, and other growing industries; improve local access to affordable, high quality education for students/veterans by repairing, constructing and acquiring classrooms, facilities, sites/equipment and Veterans’ Center; replace leaky roofs, old, rusty plumbing, faulty electrical systems; build a college campus in San Benito County, shall Gavilan Joint Community College District issue \$248,000,000 in bonds, at legal rates, with citizen oversight and all moneys locally controlled?”

Bonds - Yes

Bonds – No



EXHIBIT B  
FULL TEXT BALLOT PROPOSITION  
GAVILAN JOINT COMMUNITY COLLEGE DISTRICT

AFFORDABLE EDUCATION, JOB TRAINING,  
COLLEGE TRANSFER AND VETERANS SUPPORT MEASURE  
ELECTION NOVEMBER 6, 2018

“GAVILAN COLLEGE AFFORDABLE EDUCATION/ JOB TRAINING/ COLLEGE TRANSFER/ VETERANS SUPPORT MEASURE. To upgrade classrooms, science, healthcare, technology, engineering/career training labs, repair aging facilities, shall Gavilan Joint Community College District’s measure authorizing \$248,000,000 in bonds at legal rates, levying 2 cents/\$100 assessed value, \$14,000,000 annually while bonds are outstanding, constructing, acquiring, repairing classrooms, facilities, sites/equipment, Veterans’ Center, adding a campus in San Benito County, improving local access to affordable education, with citizen oversight, all money locally controlled, be approved?”

**PROJECTS**

The Board of Trustees of the Gavilan Joint Community College District, to be responsive to the needs of its community, evaluated Gavilan College’s urgent and critical facility needs, and its capacity to provide students, and **Veterans** with support and **job training** facilities, an **affordable education** and prepare them for success in **college** and **careers**. **Job training** facilities, safety issues, class size and offerings, and science, math, engineering and technology were each considered in developing the types of projects to be funded by this measure, as such are described below. In developing the types of projects, basic repairs (such as repairing **leaky roofs**, old rusty plumbing, faulty electrical systems, improving **access for disabled students**), job training facilities, **student safety**, facilities **supporting Veterans**, and the expansion of opportunities for local students to receive an **affordable, quality education**, were **prioritized**. If these facility needs are not addressed now, Gavilan College would be unable to remain competitive in preparing students for **jobs** in high demand, local industries and **university transfer**.

The Board of Trustees determines that **Gavilan College MUST:**

- (i) **Provide an affordable local alternative to four-year universities for local students and returning veterans;**
- (ii) **Provide job training classrooms and vocational facilities for science, math, engineering, technology, computer science and cyber security;**
- (iii) **Expand the Veterans’ Center and provide job training, job placement, counseling, and support services to military veterans and their families;**
- (iv) **Ensure that Gavilan College expands access so more students can enroll in high-quality and affordable education programs to help students transfer to a four year college and receive career training in growing local industries; and**

- (v) **ALL MONEY RAISED BY THIS MEASURE WILL BE LOCALLY CONTROLLED TO SUPPORT OUR COMMUNITY COLLEGE AND STUDENTS AND CANNOT BE TAKEN BY THE STATE.**

The following types of projects which are authorized to be undertaken at Gavilan College, include:

**PROVIDE AN AFFORDABLE EDUCATION IN A SAFE ENVIRONMENT FOR LOCAL STUDENTS AND VETERANS:**

**Basic Upgrade Projects Needed To Allow Gavilan College to Provide Job Training and Vocational Programs In Healthcare, Police, Firefighting, and Skilled High Tech Workforce**

**Goals and Purposes:** Because the cost of attending the University of California and State University systems has become so expensive, many more students are starting their education at community colleges. This measure will ensure local students have access to an affordable, high-quality education here in our community.

**We need to upgrade our classrooms, labs, and career training facilities to current industry standards so our students can compete for today's high-skilled jobs.**

- Repair or **replace leaky roofs, old rusty plumbing, and faulty electrical** systems.
- Improve access to college facilities for people with disabilities.
- Improve college safety and security systems, including fire security and sprinklers, safety lighting, security door locks, security cameras and emergency communication systems.
- **Upgrade classrooms and labs to help local students complete first two years of college affordability, and transfer to the Cal-State or UC systems.**
- Renovate the aging college library to meet modern standards for technology and research.

**PROVIDE JOB TRAINING AND COLLEGE TRANSFER OPPORTUNITIES:**

**Classroom and Program Improvements To Help Local Students and Veterans Transfer to Four-Year Universities and Be Trained For Good Paying, Modern Careers**

**Goal and Purpose:** Our local community colleges ensure that lower and middle-income students who can't afford the high price of a university still have an opportunity to succeed in college and careers. This measure will provide the affordable, high quality education that all students deserve.

**Our community is in the shadow of Silicon Valley. Gavilan College provides an affordable gateway for local students to acquire the skills they need to compete for careers in the world's fastest-growing industries. We need to invest in Gavilan so our kids have the opportunity to share in the bright future being created just a few miles away.**

- Expand vocational training facilities/programs for disabled students.
- Upgrade science, computer and technology labs; construct new permanent buildings.
- Expand career and academic counseling facilities/resources for students.
- Upgrade job training and vocational classrooms for computer science and cyber security.
- Repair deteriorating classrooms and facilities.
- **Upgrade classrooms, labs and career training facilities for science, engineering and technology.**
- Add permanent classrooms and labs in San Benito County and add classrooms at the Coyote Valley Center to offer a much larger selection of classes, certificated programs and degrees.
- **Expand Veterans' Center which provides job training, job placement, counseling, and support services to military veterans and their families.**
- Upgrade science centers and wet labs to allow for current instruction in healthcare, biology, chemistry and physical sciences.

In addition to the listed projects stated above, authorized projects also include the acquisition of a variety of instructional, maintenance and operational equipment, including interim funding incurred to advance fund projects and the refinancing of outstanding lease obligations, payment of the costs of preparation of all facility planning, fiscal reporting, 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: renovate student and staff restrooms; replace aging electrical and plumbing systems; upgrade central plant for heating, ventilation, air conditioning and water treatment improvements; repair and replace heating, ventilation and air conditioning systems; acquire vehicles; repair and replace worn-out and leaky roofs, windows, walls doors, drinking fountains and pedestrian bridge; replace or remove outdated buildings and classrooms and construct new classrooms and support buildings; install or replace faulty wiring and electrical systems to safely accommodate computers, technology and other electrical devices and needs; upgrade facilities to meet current earthquake safety and environmental sustainability and State compliance standards; repair and replace fire alarms, emergency communications, universal access and security systems; upgrade classrooms; build new facilities, including, science, technology, engineering and math (STEM) building, student services center, library/learning resource center, visual and performing arts complex; major renovation/construction projects include the construction, expansion, upgrade or reconfiguration of facilities including a new campus on District owned property in San Benito County, classroom building and improvements at the Coyote Valley Center campus; upgrade, resurface and recondition existing parking lots, roads and sidewalks; repair, upgrade and install interior and exterior lighting systems; replace water lines and valves and sewer lines; construct, upgrade, acquire or expand multi-use classrooms and labs, swing space; improve water conservation and energy efficiency; acquire land; 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 to reflect wayfinding master plan, bells and clocks; demolition of

unsafe facilities; install or upgrade new security systems, such as security (surveillance) cameras, burglar alarms, handrails, outdoor lighting, fencing, landscaping, gates, gateways and classroom door locks; replace sewer lines and improve drainage systems to prevent flooding; upgrade roadway and pedestrian paths and pathways and bridges for improved safety and access for emergency vehicles, site parking, utilities and grounds. The upgrading of technology infrastructure includes, but is not limited to, upgrading classroom technology, expanding wireless internet access throughout both college campuses, acquire 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 IT and instructional equipment, DATA storage, fiber/copper infrastructure, phones, identity access cards and the creation and funding of a technology endowment.

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, a customary contingency, and costs associated with the Total Cost of Ownership of facilities and equipment. The allocation of bond proceeds may be affected by the final costs of each project. 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.

\* \* \*

## **FISCAL ACCOUNTABILITY**

### **This bond measure has strict accountability requirements including:**

1. All money will benefit Gavilan Joint Community College District campuses and CANNOT BE TAKEN BY THE STATE.
2. NO MONEY can be used for ADMINISTRATOR SALARIES or pensions.
3. Require TAXPAYER OVERSIGHT and yearly audits to ensure all funds are used locally, effectively and as promised.

4. 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.

5. 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.