

RESOLUTION NO. 07-16-2012-3

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

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

WHEREAS, because the U.C. and State college systems are becoming so expensive, more students are relying on community colleges, such as El Camino College, and the high quality, affordable college options they provide; and

WHEREAS, in today’s tough economic times and competitive job environment, the El Camino College must continue providing important training and education for local residents entering the workforce for new professions; and

WHEREAS, due to the growing number of returning military personnel, as well as active military persons, the upgrading of counseling and support services facilities for military veterans, active military and their families is a high priority of the District; 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 improve El Camino College for all its students and that State facility funding is increasingly conditioned on the District’s ability to locally fund a portion of the costs of El Camino College campus upgrades; and

WHEREAS, the Board has received information regarding the possibility of a local bond measure; 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, ongoing State budget cuts threaten the quality of local college and the El Camino College’s only remedy is securing local funding that the State cannot take away; and

WHEREAS, a local measure will help provide funds that cannot be taken away by the State to upgrade facilities, enhance university transfer and job training, offset State budget cuts through increased efficiency and enable the District to qualify for State matching funds; and

WHEREAS, a local measure will include mandatory taxpayer protections, including an independent citizens’ oversight committee and mandatory audits to ensure funds are spent as promised; and

WHEREAS, in the considered judgment of the Board, mindful of the unparalleled opportunity that currently low construction costs and historically low interest rates afford, it is in the best interests of the District residents to provide additional facility and site improvement funding to meet such needs now by means of a general obligation bond, for the evidence gathered indicates that if these needs are not addressed now, they will only become more pressing and more costly; 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, 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 enforced 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, 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 6, 2012, and to request the Los Angeles 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 Los Angeles 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 TRUSTEES OF THE EL CAMINO COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, Sections 15264 *et seq.* and Government Code Section 53506, hereby requests the Los Angeles 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 \$350 million (the "Bonds") shall be issued and sold to raise money for the purposes described in Exhibits "A" and "B" hereto. Both exhibits are directed to be printed in the voter sample ballot pamphlet.

Section 2. That the date of the election shall be November 6, 2012.

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 safety, enrollment trends, class size, class availability, information technology and the job training needs of the District;

(c) that the Board will cause to be conducted an annual, independent performance audit to ensure that the Bond moneys get expended for the projects identified in Exhibits "A" and "B" hereto;

(d) that the Board will cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended and accounted for;

(e) that the Board will cause the appointment of a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Education Code Section 15274. The Citizens' Oversight Committee shall initially consist of at least seven (7) members and at no time consist of less than seven (7) members, with the possible exception of brief periods to fill any unexpected vacancies. The Citizens' Oversight Committee may not include any employee or official of the District or any vendor, contractor or consultant of the District. The Citizens' Oversight Committee shall include 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 deferred 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 Section 5322 of the Education Code.

Section 6. That the Los Angeles County Registrar of Voters and the Los Angeles 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, 2012 within the District.

Section 7. That this Resolution shall stand as the "order of election" to the Los Angeles County Registrar of Voters to call an election within the boundaries of the District on November 6, 2012.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the Los Angeles County Registrar of Voters no later than August 10, 2012.

Section 9. That the maturity of any Bonds issued pursuant to Section 15300 *et seq.* of the Education Code hereto shall have a maturity not exceeding twenty-five (25) years, and Bonds issued pursuant to Section 53506 of the Government Code shall have a maturity of not exceeding forty (40) years. 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 of the filing of a Tax Rate Statement with the Los Angeles County and directs its publication.

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 Los Angeles 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 Los Angeles 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 16<sup>th</sup> day of July, 2012.

BOARD OF TRUSTEES OF THE EL CAMINO  
COMMUNITY COLLEGE DISTRICT

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

Attest:

\_\_\_\_\_  
Secretary

STATE OF CALIFORNIA     )  
   )ss  
LOS ANGELES COUNTY     )

I, Thomas Fallo, do hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_, which was duly adopted by the Board of Trustees of the El Camino Community College District at meeting thereof held on the 16<sup>th</sup> day of July 2012, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By \_\_\_\_\_  
Secretary

EXHIBIT A

**EL CAMINO COLLEGE IMPROVEMENT/TRANSFER/JOB TRAINING MEASURE.** “To prepare students for universities/transfer/jobs, including nursing, healthcare, fire-fighting and high-tech jobs, by expanding science labs, upgrading outdated electrical systems, wiring, green energy for savings, building earthquake/fire-safe classrooms equipped with up-to-date technology, improving facilities for Veterans, acquiring, constructing, repairing facilities, sites/equipment, shall El Camino Community College District issue \$350,000,000 in bonds at legal rates, requiring all funds remain local, financial audits, citizen's oversight, and NO money for pensions/administrators' salaries?”

Bonds - Yes

Bonds – No

EXHIBIT B  
FULL TEXT BALLOT PROPOSITION  
EL CAMINO COMMUNITY COLLEGE DISTRICT  
BOND MEASURE ELECTION NOVEMBER 6, 2012

The following is the full proposition presented to the voters of the El Camino Community College District.

**EL CAMINO COLLEGE IMPROVEMENT/TRANSFER/JOB TRAINING MEASURE.** “To prepare students for universities/transfer/jobs, including nursing, healthcare, fire-fighting and high-tech jobs, by expanding science labs, upgrading outdated electrical systems, wiring, green energy for savings, building earthquake/fire-safe classrooms equipped with up-to-date technology, improving facilities for Veterans, acquiring, constructing, repairing facilities, sites/equipment, shall El Camino Community College District issue \$350,000,000 in bonds at legal rates, requiring all funds remain local, financial audits, citizen's oversight, and NO money for pensions/administrators' salaries?”

Bonds – Yes

Bonds – No

**PROJECTS**

The Board of Trustees of the El Camino Community College District, to be responsive to the needs of its community, evaluated El Camino College’s urgent and critical facility needs, and its capacity to provide students and Veterans with an affordable education and prepare them for success in college and careers. Safety issues, class size and offerings, and information and computer technology were each considered, in developing the scope of projects to be funded, as outlined in the District’s 2012 Facilities Master Plan, presented to the Board on July 16, 2012 and incorporated herein by reference in its entirety (the “Master Plan”), and available for review on the District’s website ([www.elcamino.edu](http://www.elcamino.edu)). In developing the scope of projects, the faculty, staff and students have prioritized career training, technology used for job training and facilities available to support an affordable education, so that the most critical needs that will make El Camino College an effective place for learning, would be addressed. In the course of developing the Master Plan input was received from hundreds of constituents. It was concluded that if these facility needs were not addressed now, El Camino College would be unable to remain competitive in preparing students for jobs in high demand industries and university transfer. The Board concluded that the longer they waited to repair and upgrade El Camino College the more expensive it would be. **In implementing the El Camino College Master Plan, the Board of Trustees determines that the El Camino College MUST:**

- (i) **Ensure local students have access to AFFORDABLE, HIGH-QUALITY EDUCATION and technologies they need to go to four-year universities and compete for GOOD PAYING JOBS;**
- (ii) **Enhance space and training for FUTURE NURSES AND FIRE-FIGHTERS and provide these caregivers the latest in high tech equipment in an environmentally sound learning facility;**
- (iii) **Provide classroom space and improved course offerings to give local high school graduates and returning students the opportunity to finish required courses so that**

**they can SUCCESSFULLY TRANSFER TO CAL STATE UNIVERSITY OR A UC SCHOOL;**

- (iv) Improve educational resources for students who are veterans or active military so that they may receive the support needed to complete their education and enter the civilian workforce; and**
- (v) Replace the oldest buildings so that with up-to-date GREEN energy efficient systems and technology El Camino College can save thousands of dollars each year in energy costs; and**
- (vi) Adhere to stringent FINANCIAL ACCOUNTABILITY safeguards such as:**
  - (a) Sacramento will be prohibited from taking any of the funds raised,**
  - (b) All expenditures will be subject to annual independent financial audits,**
  - (c) No funds can be used for administrators' salaries and pensions,**
  - (d) ALL FUNDS WILL BE SUBJECT TO LOCAL CONTROL,**
  - (e) An independent citizens' oversight committee will be appointed to ensure that all funds are spent ONLY AS AUTHORIZED.**

## **EL CAMINO COLLEGE**

### **Academic Facility and Technology Upgrade Projects To Help Students Transfer To Four-Year Universities Or Be Trained For Good Jobs**

**Goal and Purpose: Ensuring students are either prepared for transfer to University of California or State college systems or be trained for in-demand, good paying jobs is a major objective of El Camino College. Improvements to academic facilities and technology implementations will allow it to continue providing access to affordable, high quality education AND PROVIDE SPACE AND TRAINING FOR FUTURE NURSES AND FIRE-FIGHTERS, PROVIDING THESE CARE-GIVERS THE LATEST IN HIGH TECH EQUIPMENT AND GREEN LEARNING FACILITIES:**

- Replace the oldest buildings to make them energy efficient saving the college thousands of dollars annually in energy costs.
- **Modernize and replace facilities for career training in well-paying careers that do not require a four-year degree.**
- Install additional electrical service capacity to improve computer technology and Internet access.
- Upgrade or replace outdated classrooms, science labs, libraries and computer systems to keep pace with technology.
- **Improve support facilities for Veterans and currently active military personnel.**
- Upgrade and replace existing information technology infrastructure and network systems to improve efficiency and increase capacity.
- Upgrade and expand telecommunications, internet and network connections.



- Build academic buildings to expand science, education, health-related careers, nursing, fire fighting and technical job training.
- Upgrade and replace technology, computers, hardware and software systems, used for job training and retraining programs.

**Essential Repair and Construction Projects To  
Provide Greater Access to an Affordable Education**

**Goal and Purpose:** Since El Camino College is a valuable part of the community, the College needs to modernize its facilities to meet the needs of the next generation. Facilities will be improved to increase class offerings and reduce the time it requires students to complete their programs:

- Modernize science and computer labs.
- Expand course capacity in science, technology, engineering and math-related fields.
- Construct more classroom space.
- Implement improvements throughout the campus' buildings, classrooms, and other facilities to ensure access for persons with disabilities.
- **Enhance nursing and health care training facilities for those who plan on caring for our local aging population.**
- Enhance facilities dedicated to training FIRE-FIGHTERS.

**21<sup>st</sup> Century Job Training  
and Revitalization Projects**

**Goal and Purpose:** El Camino College provides essential job training and workforce preparation for students of all ages. In today's economic times, these projects will allow El Camino to continue offering local residents training and education in the health sciences, as well as other job training and workforce programs:

- Upgrade career and vocational classrooms, labs and equipment to provide students with opportunities to learn job skills, such as robotics, machine tool technology, construction technology and administration of justice.
- Provide and maintain up-to-date technology, data and communication equipment and systems for job-training programs and facilities, and to expand on-line classes for local students.
- Renovate, repair or replace outdated laboratories, classrooms, training centers and support facilities.
- Provide students with the latest in classroom instructional equipment.
- Replace and upgrade outdated electrical systems.
- Repair or replace leaky roofs, worn-out floors, old rusty plumbing and faulty electrical systems.

\* \* \*

The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses and a customary contingency. In addition to the listed projects stated above, the Project List at El Camino College also includes the acquisition of a variety of instructional, maintenance and operational equipment, including the reduction or retirement of outstanding lease obligations and interim funding incurred to advance fund projects from the Project List, payment of the costs of preparation of all facility planning, facility studies, environmental impact reports, assessment reviews, facility master plan preparation and updates, environmental studies (including environmental investigation, remediation and monitoring), design and construction documentation, and temporary housing of dislocated college activities caused by construction projects. In addition to the projects listed above, repair, renovation and construction projects may include, but not be limited to, some or all of the following: renovation of student and staff restrooms; replace aging electrical and plumbing systems; repair and replacement of heating and ventilation systems; upgrade of facilities for energy efficiencies; repair and replacement of worn-out and leaky roofs, windows, walls doors and drinking fountains; removal of outdated buildings and construction of new classrooms and support buildings; installation wiring and electrical systems to safely accommodate computers, technology and other electrical devices and needs; upgrade facilities to meet current earthquake safety standards; repair and replacement of fire alarms, emergency communications and security systems; upgrading, resurfacing, replacing or relocating of hard courts, fields, turf and irrigation systems; upgrade classrooms and physical education facilities; student activities center; new and compact administrative space freeing up land for more classrooms; upgrade existing parking lots; repair, upgrade and install interior and exterior lighting systems; upgrade early education job training facilities; replace water and sewer lines and other plumbing systems; improve water conservation and energy efficiency; replace outdated security systems; replace existing window systems with energy efficient systems to reduce costs; replace outdated heating, cooling and ventilation systems; improve insulation, weather proofing 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; inspect for/repair gas pipe leaks, replace broken concrete walks, deteriorated asphalt; replace/upgrade existing signage, bells and clocks; install new security systems, such as security (surveillance) cameras, outdoor lighting, fencing, gates and classroom door locks; replace sewer lines and improve drainage systems to prevent flooding; upgrade roadway and pedestrian paths for improved safety and access for emergency vehicles, site parking, utilities and grounds. The upgrading of technology infrastructure includes, but is not limited to, LCD projectors, portable interface devices, servers, switches, routers, modules, sound projection systems, laser printers, digital white boards, document projectors, upgrade voice-over-IP, call manager and network security/firewall, and other miscellaneous equipment and software.

The allocation of bond proceeds will be affected by the District's receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will aggressively pursue to reduce the District's share of the costs of the projects, the District will not be able to complete some of the projects listed above. Some projects may be undertaken as joint use projects in cooperation with other local public or non-profit agencies. The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans and construction documents are finalized, construction bids are received, construction contracts are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses. Necessary site preparation/restoration may occur in

connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to bond projects. Bond proceeds shall only be expended for the specific purposes identified herein. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

**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 AND COLLEGE ADMINISTRATOR SALARIES, PENSIONS AND OTHER OPERATING EXPENSES.

**FINANCIAL 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.