

AUG 11 2011

By MARK CHURCH Chief Elections Officer
DEPUTY-CLERK

**BOARD OF TRUSTEES
OF THE
SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT**

RESOLUTION NO. 11-10

RESOLUTION OF THE BOARD OF TRUSTEES OF SAN MATEO COUNTY
COMMUNITY COLLEGE DISTRICT ORDERING AN ELECTION TO
AUTHORIZE THE ISSUANCE OF SCHOOL BONDS, ESTABLISHING
SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING
CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON
NOVEMBER 8, 2011

WHEREAS, in the judgment of the Board of Trustees (the "Board") of San Mateo County Community College District (the "District"), located in the County of San Mateo (the "County"), it is advisable to call an election to submit to the electors of the District the question of whether bonds of the District shall be issued and sold for the purpose of raising money for - the acquisition and improvement of real property, and the furnishing and equipping of school facilities; and

WHEREAS, as a result of the approval of Proposition 39 on November 7, 2000, Article XIII A Section 1 paragraph (b) of the California Constitution ("Article XIII A") provides an exception to the limit on ad valorem property taxes on real property for bonded indebtedness incurred by a school district approved by fifty-five percent (55%) of the voters of the district voting on the proposition; and

WHEREAS, the Board is specifically authorized, upon approval by a two-thirds vote of the Board, to pursue the authorization and issuance of bonds by a fifty-five percent (55%) vote of the electorate on the question of whether bonds of the District shall be issued and sold for specified purposes, pursuant to Education Code Section 15264 *et seq.* (the "Act"); and

WHEREAS, under the Act, the election may be ordered at a primary or general election, a regularly scheduled local election at which all of the electors of the District are entitled to vote, or a statewide special election; and

WHEREAS, a Consolidated Municipal, School and Special District Election will be held in the District on November 8, 2011 and the County has informed the District that the election is a regularly scheduled local election at which all of the electors of the District are entitled to vote; and

WHEREAS, pursuant to Section 10403 *et seq.* of 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 Tuesday, November 8, 2011, and to request the San Mateo County Registrar of Voters to perform certain election services for the District;

NOW, THEREFORE, THE BOARD OF TRUSTEES OF SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Call for Election. The Board hereby orders an election and submits to the electors of the District the question of whether general obligation bonds of the District (the "Bonds") shall be issued and sold in the maximum principal amount of \$564,000,000 for the purpose of raising money to finance school facilities and property of the District, and paying costs incident thereto, as set forth more fully in the ballot proposition approved pursuant to Section 3. This Resolution constitutes the order of the District to call such election.

Section 2. Election Date. The date of the election shall be November 8, 2011, and the election shall be held solely within the boundaries of the District.

Section 3. Purpose of Election; Ballot Proposition. The purpose of the election shall be for the voters in the District to vote on a bond measure, a full copy of which is attached hereto and marked Exhibit "A", containing the question of whether the District shall issue the Bonds for the purposes stated therein, together with the accountability requirements of Article XIII A and the requirements of Section 15272 of the Act. The full copy of the bond measure, which commences with the heading "FULL TEXT OF MEASURE" and includes all of the text thereafter on Exhibit A, shall be printed in the voter information pamphlet provided to voters, with such measure designation as is assigned to the measure. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto and marked as Exhibit "B". The Chancellor or his designee is hereby authorized and directed to make any changes to the text of the proposition as required to conform to any requirements of Article XIII A, the Act or the San Mateo County Registrar of Voters.

Section 4. Authority for Election. The authority for ordering the election is contained in Section 15264 *et. seq.* of the Education Code and Section 1, paragraph (b), subsection (3) of Article XIII A. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

Section 5. School Facilities Projects. As required by Article XIII A, the Board hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the list of school facilities projects set forth on Exhibit A.

Section 6. Covenants of the Board upon Approval of the Bonds by the Electorate. As required by Article XIII A and Section 15278 of the Act, in the event fifty-five percent (55%) of the voters in the District approve the issuance of the Bonds, the Board shall:

- (1) conduct an annual, independent performance audit to ensure that the Bond proceeds have been expended only on the projects listed in Exhibit A;
- (2) conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the school facilities projects listed in Exhibit A;

(3) establish and appoint members to an independent citizens' oversight committee in accordance with Sections 15278, 15280 and 15282 of the Act;

(4) apply the proceeds of the Bonds only to the specific purposes stated in the ballot proposition;

(5) cause creation of accounts into which proceeds of the Bonds shall be deposited; and

(6) cause the preparation of an annual report pursuant to Government Code Sections 53410 and 53411.

Section 7. Delivery of this Resolution. The Clerk of the Board is hereby directed to send a copy of this Resolution to the San Mateo County Registrar of Voters (the "County Registrar") and the Clerk of the Board of Supervisors of the County. Pursuant to Education Code Section 5322, the Resolution shall be received by the County Registrar no later than 88 days prior to the election date, unless otherwise permitted by law.

Section 8. Consolidation of Election. The County Registrar and the San Mateo County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2011, within the District. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of San Mateo County is requested to permit the County Registrar to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse San Mateo County in full from District general funds upon presentation of a bill from the County, such services to include the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) and, to the extent required by applicable law, the publication of a formal Notice of School Bond Election.

Section 9. Ballot Arguments; Tax Rate Statement. Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The Chancellor, President of the Board, or their designees, are hereby authorized to execute any Tax Rate Statement or other document and to perform all acts necessary to place the bond measure on the ballot.

Section 10. Engagement of Professional Services. The Chancellor is authorized and directed to execute the agreement on file with the law firm of Jones Hall, A Professional Law Corporation, which firm is hereby appointed to perform bond counsel and disclosure counsel services in connection with the Bonds, and with Morgan Stanley & Co. LLC, which firm is hereby appointed as the underwriter of the Bonds.

Section 11. Effective Date. This resolution shall take effect on and after its adoption.

PASSED AND ADOPTED this 10th day of August, 2011, by the following vote:

AYES: Helen Hausman, Richard Holober, Dave Mandelkern, Patricia Miljanich,
Karen Schwarz

NOES: 0

ABSENT: 0



President of the Board of Trustees of
San Mateo County Community College District
San Mateo County, California

ATTEST:



Secretary of the Board of Trustees of
San Mateo County Community College District,
San Mateo County, California

I, Ron Galatolo, Secretary of the Board of Trustees of San Mateo County Community College District, San Mateo County, California, do hereby certify that the foregoing is a full, true and correct copy of the Resolution passed and adopted by said Board of Trustees at a regular meeting on the 10th day of August, 2011, and that the minutes of said Board of Trustees shows that five (5) members of said Board voted for and zero (0) members of said Board voted against the adoption of said Resolution and the said Resolution is now spread upon the minutes of said Board.



Secretary of the Board of Trustees of the
San Mateo County Community College District
San Mateo County, California

EXHIBIT A

BALLOT MEASURE FULL TEXT OF MEASURE

To prepare College of San Mateo, Cañada College and Skyline College students for universities and high-demand jobs; modernize math and science classrooms and labs; upgrade classroom technology, computer and job training labs; increase earthquake, fire and accessibility safety; and replace aging systems with energy efficient models, shall San Mateo County Community College District issue \$564,000,000 in bonds at interest rates within legal limits, with annual independent audits, local control over proceeds and a Citizens' Committee providing oversight?

As required by the California Constitution, the proceeds from the sale of the bonds will be used only for the construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

The specific facilities projects to be funded are as follows, and include all related and incidental costs, including costs of design, engineering, architectural and other professional services, site preparation, utilities, landscaping, incidental costs, and construction management. These projects will be paid for with a combination of funding sources including State funding, private donations, interest on investments, reimbursements from other agencies, and available capital facility funds.

BOND PROJECTS LIST

For nearly 90 years, College of San Mateo, Cañada College and Skyline College have provided postsecondary education to the residents of San Mateo County. Today, more than 40,000 students annually receive transfer and career/technical education as well as basic skills instruction that prepare students for college-level work. The College District encompasses 595 acres and more than 1.45 million square feet of classrooms, labs and other instructional space. Financing the following projects will support transfer education and job training in programs such as nursing, engineering, health sciences, biotechnology, and clean energy, and help to ensure that there are quality, affordable college options for students transferring to four-year colleges or seeking jobs in the local community.

MODERNIZATION AND CONSTRUCTION

- Prepare students for high-demand 21st century jobs by constructing and upgrading classrooms and job training facilities
- Modernize or construct science, engineering and math classrooms and labs
- Upgrade classroom technology and computer labs to support quality higher education
- Upgrade classrooms and educational facilities to meet earthquake, fire and safety codes
- Update campus facilities to provide access for disabled students
- Replace aging heating, ventilation and air conditioning systems with energy-efficient models
- Remove hazardous materials, including asbestos, from College facilities
- Reduce operating costs and preserve the environment by installing renewable and alternative energy systems
- Modernize classrooms to provide workforce training and improve technical job skills
- Renovate or construct interior and exterior instructional and support facilities
- Install security, video and communications systems to improve safety at the Colleges
- Repair or replace furniture, fixtures and finishes throughout the College District
- Modernize 40 year old aging infrastructure including leaking roofs and deteriorating electrical, plumbing and mechanical systems
- Repair or install erosion control, landscaping and wildfire mitigation such as tree removal and pruning
- Modernize libraries to support state-of-the-art research technologies
- Make other real property improvements or acquisitions and pay lease obligations to meet student and community needs
- Modernize roadways, walkways, parking, signage and transit facilities to improve accessibility, circulation, safety, disaster and emergency response
- Demolish outdated, non-code-compliant structures

TECHNOLOGY AND EQUIPMENT

- Provide high quality instructional equipment for 21st century learning and job training
- Upgrade or replace specialized job training equipment such as nursing, health sciences, public safety, biotechnology and renewable energy fields
- Upgrade science and engineering lab equipment
- Fund the replacement or upgrade of instruction, computers and technology equipment
- Renovate, upgrade or install network infrastructure to support instructional and web based student support services including distance learning and online enrollment
- Replace or upgrade computer hardware and software, including audio visual equipment and communication systems

- Upgrade College emergency and disaster response systems, in coordination with City and County agencies

The College District's Board of Trustees has certified that it has evaluated safety, class size and information technology needs in developing the foregoing list.

The College District's Board of Trustees will conduct annual, independent performance and financial audits until the bond proceeds have been expended to ensure that the funds have been expended only on the project list set forth above.

Pursuant to Section 15272 of the Education Code, the College District's Board of Trustees will appoint a citizens' oversight committee and conduct annual independent audits to assure that funds are spent only on school and classroom improvements and for no other purposes.

The College District's Board of Trustees has committed as follows in order to assure the College District's voters and taxpayers that the bond proceeds will be spent wisely to address specific needs of the College District: (1) to apply the proceeds of the bonds only to the specific purposes stated in the ballot proposition; and (2) to cause creation of accounts into which proceeds of the Bonds will be deposited; and (3) to cause the preparation of an annual report pursuant to Government Code Sections 53410 and 53411.

EXHIBIT B

**BALLOT MEASURE
(ABBREVIATED FORM)***

To prepare College of San Mateo, Cañada College and Skyline College students for universities and high-demand jobs; modernize math and science classrooms and labs; upgrade classroom technology, computer and job training labs; increase earthquake, fire and accessibility safety; and replace aging systems with energy efficient models, shall San Mateo County Community College District issue \$564,000,000 in bonds at interest rates within legal limits, with annual independent audits, local control over proceeds and a Citizens' Committee providing oversight?

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*Limited to 75 words

TAX RATE STATEMENT

An election will be held in the San Mateo County Community College District (the "District") on November 8, 2011, to authorize the sale of up to \$564,000,000 in bonds of the District to finance school facilities as described in the proposition. If the bonds are approved, the District expects to sell the bonds in three series over seven years. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California.

1. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing this statement, is 1.292 cents per \$100 (\$12.92 per \$100,000) of assessed valuation in fiscal year 2012-2013.
2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing this statement, is 1.292 cents per \$100 (\$12.92 per \$100,000) of assessed valuation in fiscal year 2019-2020.
3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing this statement, is 1.292 cents per \$100 (\$12.92 per \$100,000) of assessed valuation.

Voters should note that the estimated tax rates are based on the ASSESSED VALUE of taxable property on the County's official rolls, *not* on the property's market value. In addition, taxpayers eligible for a property tax exemption, such as the homeowner's exemption, will be taxed at a lower effective tax rate than described above. Certain taxpayers may also be eligible to postpone payment of taxes. Property owners should consult their own property tax bills and tax advisors to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold per series, market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.



/s/ Ron Galatolo
Chancellor
San Mateo County Community College District

August 11, 2011