

RESOLUTION NO. 2008-17

RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
COLLEGE OF THE SEQUOIAS COMMUNITY COLLEGE  
DISTRICT ACTING AS THE LEGISLATIVE BODY OF THE  
COLLEGE OF THE SEQUOIAS TULARE AREA CAMPUS  
IMPROVEMENT DISTRICT NO. 3 OF THE COLLEGE OF THE  
SEQUOIAS COMMUNITY COLLEGE DISTRICT ORDERING AN  
ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE  
ELECTION ORDER

WHEREAS, the Board of Trustees (the "Board") of the College of the Sequoias Community College District (the "District") has determined that certain educational facilities and equipment within the boundaries of the College of the Sequoias Tulare Area Improvement District No. 3 of the College of the Sequoias Community College District ("Improvement District No. 3"), located within portions of Kings County ("Kings County") and Tulare County ("Tulare County"), need to be constructed, renovated, acquired and equipped to enable the District to maintain College of the Sequoias as a valuable community resource, to train and retrain local residents for higher-paying and skilled jobs, and to enhance the educational opportunities of the students in the District who desire to transfer to four-year universities; and

WHEREAS, the Board has determined that the establishment of Tulare College Center as a comprehensive education center in the Tulare area which would include new general education classrooms, instructional laboratories and instructional equipment, the construction of a vocational education complex and the creation of an agricultural/farm animal center are among the highest priorities of the Board; and

WHEREAS, notwithstanding the possibility of receiving \$98 million of state money for the Tulare College Center Campus, the State of California (the "State") is unwilling to provide funds necessary to complete the Tulare College Center and State contributions are increasingly linked to the District's ability to locally fund a portion of the costs of Tulare College Center Campus development; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional funding for a Tulare College Center Campus and related 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, Chapter 3, Part 10, Division 1, Title 1 (commencing with Section 15300) of the Education Code (the "Act") provides that Improvement District No. 3 may call an election for the purpose of seeking voter approval for the issuance of general obligation bonds by Improvement District No. 3; and

WHEREAS, the Board of Supervisors of each of Kings County and Tulare County have adopted a resolution causing the provisions of the Act to be applicable within each of Kings County and Tulare County; 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, the Board determines that the restrictions in Proposition 39 which prohibit any bond money to be used for administrator salaries and expenses be strictly enforced by a Citizens' Oversight Committee; and

WHEREAS, 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 Improvement District No. 3, 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 4, 2008, and to request each of the Tulare County Registrar of Voters and the Kings 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 Tulare County Registrar of Voters and the Kings 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 Improvement District No. 3 for purposes set forth below.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE COLLEGE OF THE SEQUOIAS COMMUNITY COLLEGE DISTRICT ACTING AS THE LEGISLATIVE BODY OF THE COLLEGE OF THE SEQUOIAS TULARE AREA IMPROVEMENT DISTRICT NO. 3 OF THE COLLEGE OF THE SEQUOIAS COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.* (including Sections 15300 *et seq.*), Sections 15264 *et seq.* and Government Code Section 53506, hereby requests the Kings County Registrar of Voters and the Tulare County Registrar of Voters to call an election under the provisions of Proposition 39 and the Act and submit to the electors of Improvement District No. 3 the question of whether bonds of Improvement District No. 3 in the aggregate principal amount not to exceed \$60 million (the “Bonds”) shall be issued and sold to raise money for the purposes described in Exhibits “A” and “B” hereto.

Section 2. That the date of the election shall be November 4, 2008.

Section 3. That the purpose of the election shall be for the voters in Improvement District No. 3 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 Improvement District No. 3 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, 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 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;

(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 limits per \$100,000 of taxable property in Improvement District No. 2 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 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 Tulare County Registrar of Voters, the Tulare County Board of Supervisors, the Kings County Registrar of Voters and the Kings County Board of Supervisors are

hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 4, 2008 within Improvement District No. 3.

Section 7. That this Resolution shall stand as the “order of election” to each of the Tulare County Registrar of Voters and the Kings County Registrar of Voters to call an election within the boundaries of Improvement District No. 3 on November 4, 2008.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the Tulare County Registrar of Voters and the Kings County Registrar of Voters no later than August 8, 2008.

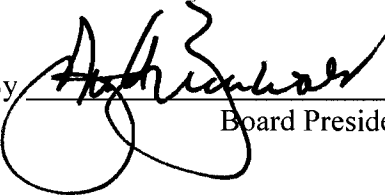
Section 9. That the maturity of any Bonds issued pursuant to Section 15300 *et seq.* of the Education Code hereto shall have a maturity not exceeding twenty-five (25) years, and Bonds issued pursuant to Section 53506 of the Government Code shall have a maturity of not exceeding forty (40) years. The 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 the Tax Rate Statement on file with the Secretary and directs its 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 Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of each of Tulare County and Kings 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 Tulare County and Kings 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 9th day of June, 2008.

BOARD OF TRUSTEES OF THE COLLEGE OF  
THE SEQUOIAS COMMUNITY COLLEGE  
DISTRICT ACTING AS THE LEGISLATIVE  
BODY OF THE COLLEGE OF THE SEQUOIAS  
TULARE AREA IMPROVEMENT DISTRICT  
NO. 3 OF THE COLLEGE OF THE SEQUOIAS  
COMMUNITY COLLEGE DISTRICT

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

Attest:

 \_\_\_\_\_  
Secretary

STATE OF CALIFORNIA     )  
  )ss  
TULARE COUNTY            )

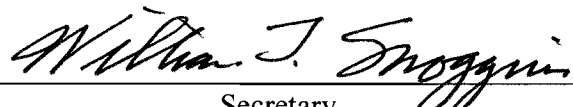
I, William T. Scroggins, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2008-17, which was duly adopted by the Board of Trustees of the College of the Sequoias Community College District acting as the legislative body of the College of the Sequoias Tulare Area Improvement District No. 3 of the College of the Sequoias Community College District at meeting thereof held on the 9th day of June, 2008, and that it was so adopted by the following vote:

AYES: Trustees Cardoza, Shannon, Sherman and Zumwalt

NOES: None

ABSENT: Trustee Mann

ABSTENTIONS: None

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

## EXHIBIT A

**“College of the Sequoias Tulare Area Improvement Measure:** To build a permanent Tulare College Center, including buildings for welding and farming equipment repair classes, and vocational education, qualify for \$98 million in State building grants, construct classrooms, library, computer labs, an agricultural education complex, livestock pavilion, including farm animal buildings and labs, upgrade/construct/equip/acquire classrooms, facilities and sites; shall College of the Sequoias Tulare Area Improvement District No. 3 of the College of the Sequoias Community College District issue \$60 million in bonds, at legal rates, with citizen oversight, mandatory audits, and all funds staying in the Tulare area for college facilities?”

Bonds - Yes

Bonds – No

EXHIBIT B  
FULL TEXT BALLOT PROPOSITION  
COLLEGE OF THE SEQUOIAS TULARE AREA  
IMPROVEMENT DISTRICT NO. 3 OF THE COLLEGE OF THE SEQUOIAS COMMUNITY  
COLLEGE DISTRICT  
BOND MEASURE ELECTION NOVEMBER 4, 2008

The following is the full proposition presented to the voters of the College of the Sequoias Tulare Area Improvement District No. 3 of the College of the Sequoias Community College District.

**“College of the Sequoias Tulare Area Improvement Measure:** To build a permanent Tulare College Center, including buildings for welding and farming equipment repair classes, and vocational education, qualify for \$98 million in State building grants, construct classrooms, library, computer labs, an agricultural education complex, livestock pavilion, including farm animal buildings and labs, upgrade/construct/equip/acquire classrooms, facilities and sites; shall College of the Sequoias Tulare Area Improvement District No. 3 of the College of the Sequoias Community College District issue \$60 million in bonds, at legal rates, with citizen oversight, mandatory audits, and all funds staying in the Tulare area for college facilities?”

Bonds – Yes

Bonds – No

**PROJECTS**

The Board of Trustees of the College of the Sequoias, to be responsive to the needs of its Tulare area students and community, evaluated the College’s urgent and critical facility needs in the Tulare area, including providing classrooms and labs to offer more courses and programs to students close to home, providing vocational training for high demand jobs in the agricultural profession, safety issues, class size and offerings, and computer technology, in developing the scope of projects to be funded. In developing the scope of projects, the faculty, staff and students have prioritized the most critical and basic facility needs that would make the Tulare College Center responsive to the needs of the Tulare area community. In designing the Tulare College Center Campus, the Board of Trustees determines that the College of the Sequoias must:

- Construct classrooms and labs that provide immediate job training for critical professions, particularly in high demand jobs in the production and processing of food and fiber, as well as re-train people who want to expand their skills.
- Construct instructional classrooms, science labs, library and vocational training facilities which are energy efficient and provide access to state-of-the-art computers and instructional technology.
- Install essential campus infrastructure, such as electrical systems and wiring for computer technology and internet access, plumbing, lighting, heating and ventilation systems; as well as fire safety equipment including alarms, smoke detectors, sprinklers which are critical for the establishment of a comprehensive college center in the Tulare area.
- Obtain State funding to assist the College of the Sequoias defray the cost of essential classroom construction.

## **COLLEGE OF THE SEQUOIAS, Tulare College Center**

- **Expand classroom and facility capacity, construct classrooms, upgrade classrooms/labs for general education, vocational and agricultural programs:**

Increase permanent classroom and facility capacity for academic and job training classes, including math, English, computer technology, science, physical and health education, applied arts and sciences facilities, bookstore, health center, student support facilities, library, cafeteria, construct “smart classrooms” to improve technology-enhanced learning. **Construct Vocational Education Complex** designed to train students for high demand jobs, such as facilities for welding and farm equipment repair classes to meet the high demand for certified welders. **Construct and/or lease an Agricultural Education Building** to fill the labor demand in production and processing of food and fiber. Construct facilities for livestock, agriculture classes and training, livestock pavilion and demonstration lab, and student housing complex for agricultural student housing. Provide continuing education facilities.

- **Ensure safety and disabled access:**

Install fire alarms, sprinklers, smoke detectors, intercoms and fire doors, install security systems, exterior lighting, emergency call stations, emergency lighting, emergency communication systems, signage, door locks and fences, and ensure accessibility for the disabled.

- **Provide technology training and support:**

Provide state-of-the-art technology facilities and systems, provide internet access and wireless and cable technology, build “smart classrooms” to improve technology-enhanced and distance learning, install telecommunications systems, campus-wide technology, servers, instructional equipment, software, media devices.

- **Install modern electrical and mechanical systems to reduce energy consumption and utility bills and accommodate computer technology, internet access and communications systems:**

Install modern electrical and mechanical system to take advantage of state-of-the-art energy saving technologies to reduce energy bills and have more resources for student learning.

- **Improve access:**

Establish campus road network and walkways, upgrade and expand parking areas and structures, insure pedestrian safety and provide access for emergency vehicles.

- **Corcoran and Lindsay Outreach Programs:**

Construct, renovate facilities and acquire instructional equipment for Corcoran and Lindsay Outreach Programs for vocational and other post-secondary instruction.

Listed building construction, repair and rehabilitation projects and upgrades will be completed as needed including necessary site development. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program management, staff training expenses and a customary contingency for unforeseen design and construction costs. The project list also includes the acquisition and leasing of property and facilities as well as the construction of new buildings, if necessary, to accommodate a growing student population or to better deliver academic and vocational programs. 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. Based on the final costs of each project, certain portions of the projects described above may be delayed, modified or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for modernization may be undertaken, 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 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.

**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 AS 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 PERMITTED 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 CONSTRUCTION, RECONSTRUCTION, REHABILITATION, ACQUISITION OR REPLACEMENT OF COLLEGE FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF COLLEGE FACILITIES, AND NOT FOR ANY OTHER PURPOSE, INCLUDING TEACHERS' AND ADMINISTRATORS' SALARIES AND OTHER OPERATING EXPENSES.**