

RESOLUTION NO. 100

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

WHEREAS, the Board of Trustees (the "Board") has determined that certain properties and equipment within the Desert Community College District (the "District"), within Imperial County ("Imperial County") and Riverside County ("Riverside County") need to be acquired, constructed, improved, and equipped to enable the District to maintain College of the Desert as a valuable community resource, to train and re-train local residents for higher-paying and skilled jobs, particularly nurses, and to enhance the educational opportunities of the students in the District who desire to transfer to four-year colleges; and

WHEREAS, due to the rapid growth in the District's service area, thousands of new students are entering college each year and College of the Desert desires to respond to such growth by expanding its campuses and constructing new facilities; and

WHEREAS, the District, in collaboration with staff and the community has prepared a Facilities Master Plan which outlines the District's facility needs through 2015; 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 maintain and expand College of the Desert for all its students; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional funding for such facility, technology, and safety needs by means of a general obligation bond; and

WHEREAS, Proposition 46, approved by the voters of the State of California on June 3, 1986 ("Proposition 46"), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision which exempts from the 1% of full cash value limitation, those ad valorem taxes used to pay for debt service of any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which, as of its effective date, reduced the voter threshold for *ad valorem* tax levies used to pay for debt service or bonded indebtedness to 55% of the votes cast on a community college district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the "Act") became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain performance audits, standards of financial accountability and citizen oversight which are contained in Proposition 39 and the Act; and

WHEREAS, the Board determines that the restrictions in Proposition 39 which prohibit any bond money to be used for administrator salaries and expenses be strictly enforced by a Citizens' Oversight Committee; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the "Elections Code") requires that a tax rate statement be contained in all official materials, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, the Board now desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on March 2, 2004, and to request each of the Imperial County Registrar of Voters and the Riverside 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 Imperial County Registrar of Voters and the Riverside 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 THE DESERT COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 and Government Code Section 53506, hereby requests each of the Imperial County Registrar of Voters and the Riverside County Registrar of Voters to call an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount not to exceed \$346,500,000 (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 March 2, 2004.

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, staff and administrator salaries and other college operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit "B", evaluated the safety, enrollment, class size and information technology needs of the District;

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

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

(e) that the Board will cause the appointment of a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Education Code Section 15274;

(f) that the tax levy authorized to secure the bonds of this election shall not exceed the Proposition 39 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; and

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.* and 15264 *et seq.* and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Section 5322 of the Education Code.

Section 6. That the Imperial County Registrar of Voters, the Imperial County Board of Supervisors, the Riverside County Registrar of Voters and the Riverside County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on March 2, 2004 within the District.

Section 7. That this Resolution shall stand as the "order of election" to each of the Imperial County Registrar of Voters and the Riverside County Registrar of Voters to call an election within the boundaries of the District on March 2, 2004.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the Imperial County Registrar of Voters and the Riverside County Registrar of Voters no later than December 5, 2003.

Section 9. That the maturity of any Bonds issued pursuant to Section 15100 of the Education Code, and Bonds issued pursuant to Section 53506 of the Government Code shall not exceed the maturity limits set forth therein, respectively. The maximum interest rate on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531.

Section 10. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass be made by any body or official authorized by law to canvass the returns of the election, and that the Board consents to such consolidation.

Section 11. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of each of Imperial County and Riverside 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 Imperial County and Riverside 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 19<sup>th</sup> day of November, 2003.

BOARD OF TRUSTEES OF THE DESERT  
COMMUNITY COLLEGE DISTRICT

By *James H. ...*  
Board President

Attest:

*Maria C. Sheehan*  
Secretary

STATE OF CALIFORNIA    )  
  )ss  
RIVERSIDE COUNTY        )

I, Dr. Maria Sheehan, do hereby certify that the foregoing is a true and correct copy of Resolution No. 100, which was duly adopted by the Board of Trustees of the Desert Community College District at meeting thereof held on the 19<sup>th</sup> day of November, 2003, and that it was so adopted by the following vote:

AYES:                 5  
NOES:                 0  
ABSENT:              0  
ABSTENTIONS:        0

By *Maria C. Sheehan*  
Secretary

EXHIBIT A

College of the Desert Job Training, Overcrowding, Repair/Safety Measure: "To train local residents for jobs, prepare students for four-year colleges, accommodate increasing student enrollment at College of the Desert by:

- Expanding nursing/police/fire-fighting training facilities;
- Repairing sewer systems, leaky roofs, decaying walls, plumbing, electrical systems;
- Upgrading/adding classrooms for computer technology;
- Repairing, acquiring, constructing, equipping buildings, sites, classrooms;

shall Desert Community College District issue \$346,500,000 in bonds, at legal rates, with citizen oversight, annual audits, no money for administrators' salaries?"

Bonds - Yes

Bonds - No

EXHIBIT B  
FULL TEXT BALLOT PROPOSITION  
OF THE DESERT COMMUNITY COLLEGE DISTRICT  
BOND MEASURE ELECTION MARCH 2, 2004

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

College of the Desert Job Training, Overcrowding, Repair/Safety Measure: "To train local residents for jobs, prepare students for four-year colleges, accommodate increasing student enrollment at College of the Desert by:

- Expanding nursing/police/fire-fighting training facilities;
- Repairing sewer systems, leaky roofs, decaying walls, plumbing, electrical systems;
- Upgrading/adding classrooms for computer technology;
- Repairing, acquiring, constructing, equipping buildings, sites, classrooms;

shall Desert Community College District issue \$346,500,000 in bonds, at legal rates, with citizen oversight, annual audits, no money for administrators' salaries?"

Bonds - Yes

Bonds - No

PROJECTS

The Board of Trustees of the Desert Community College District evaluated the District's urgent and critical facility needs, including safety issues, enrollment growth, energy reduction and information and computer technology, in developing the scope of projects to be funded, as outlined in the College of the Desert Facilities Master Plan, approved on November 19, 2003, incorporated herein, and as shall be further amended from time to time. In developing the scope of projects, the faculty, staff and students have prioritized the key health and safety needs so that the most critical needs are addressed. The Board of Trustees conducted independent facilities evaluations and received public input and review in developing the scope of college facility projects to be funded, as listed in the Facilities Master Plan which was unanimously approved by the Board of Trustees. This input of faculty, community and business leaders concluded that if these needs were not addressed now, the problems would only get worse. In preparing the Facilities Master Plan the Board of Trustees made four important determinations:

(i) In tough economic times it is critically important for College of Desert to provide facilities for job and vocational training to students and adults seeking to acquire job skills that local businesses are seeking;

(ii) College of the Desert must provide facilities to increase the number of trained nurses to help relieve the serious nursing shortage in the area;

(iii) College of the Desert must add new facilities and classrooms to meet the rapid growth in the area which has resulted in thousands of new students seeking an affordable local college education;

(iv) College of the Desert must provide facilities for academic programs for students who want to transfer to a four-year college; and

(v) College of the Desert must provide facilities to support adult continuing education classes in subjects like financial planning, accounting and computers.

The Facilities Master Plan is both on file at the District's Office of the Superintendent/President and posted on the District's website, [www.collegeofthedesert.edu](http://www.collegeofthedesert.edu), and includes the following projects:

#### Job and Career Training Projects

- Build an Allied Health and Nursing Facility that will allow the College of the Desert to increase the number of trained nurses and help relieve the serious nursing shortage in the local area.
- Build a new Public Safety Academy to train public safety personnel in administration of justice, fire fighting technology, and police officer standards.
- Build a state-of-the-art Technology Center to provide computer and information systems, classrooms/labs and student access to lab technicians, to prepare student for careers and four-year degrees in science and technology jobs and professions.

#### Classroom Buildings and Facilities

- Redesign and wire classrooms to increase the uses of technology, computers and high speed Internet access for teaching including enhancement of distance learning;
- Build large lecture hall facility to accommodate larger classrooms and conferences.
- Build and acquire college classrooms to accommodate more students who want to enroll in classes and improve the quality of learning and expand academic and vocational learning opportunities, horticultural department facilities, and sites.
- Add modern science labs.
- Renovate and upgrade buildings, facilities, gym, pool, fields and classrooms for each of safety, efficiency, and expanded enrollment.
- Construct an early childhood education and development center to train teachers and a centralized student center, a fitness and wellness center and learning arts facility.

#### Health and Safety Projects

- Repair and maintain deteriorating campus flooring, roofs, walls, windows, plumbing and electrical systems.
- Install new fire alarm and communication systems and energy efficient lighting.
- Reduce earthquake risks by seismic retrofitting older buildings, which are currently over half of all buildings on the Palm Desert campus.
- Upgrade water, sewer, mechanical, heating, ventilation and gas infrastructure to current safety codes.

### Energy Efficiency Improvements

- Replace/upgrade energy systems, heating, ventilation and air conditioning systems and related utility systems.

### Refinance Existing Obligations to Lower Interest Rate and Increase Funds Available For Instruction and Ongoing Maintenance of Classrooms and Buildings

### Safety and Security; Sites

- Improve pedestrian access routes across campus for safety.
- Improve campus safety and security by adding exterior lighting.
- Implement safety upgrades to relieve traffic flow and parking congestion.
- Repair or replace outdated natural gas, water, sewer, storm drain systems.
- Acquire property to expand student capacity.
- Improve emergency access and evacuation routes to improve student safety, redesign campus road network to eliminate dangerous intersections and unsafe conditions, reduce gridlock, improve pedestrian safety and increase access for emergency vehicles.

Listed repairs, rehabilitation projects and upgrades will be completed as needed. Each project is assumed to include its share of equipment, architectural, engineering, and similar planning costs, construction management, and a customary contingency for unforeseen design and construction costs. The allocation of bond proceeds will be affected by the District's receipt of State bond funds and the final costs of each project. The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed.

The bond program is designed to provide facilities which will serve current and expected enrollment. In the event of an unexpected slowdown in development or enrollment of students at the college, certain of the projects described above will be delayed or may not be completed. In such case, bond money will be spent on only the most essential of the projects listed above. The District will work with the Citizens' Oversight Committee on prioritizing those projects in the event factors beyond the District's control require that project be reconsidered.

**FISCAL ACCOUNTABILITY. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.**

**NO ADMINISTRATOR SALARIES. PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED BY THIS PROPOSITION SHALL BE USED ONLY FOR THE CONSTRUCTION, RECONSTRUCTION, ACQUISITION, REHABILITATION, OR REPLACEMENT OF COLLEGE FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF COLLEGE FACILITIES, AS DESCRIBED, AND NOT FOR ANY OTHER**



PURPOSE, INCLUDING FACULTY, STAFF AND ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES. BY LAW, ALL FUNDS CAN ONLY BE SPENT ON THE DESCRIBED PROJECTS.