

SAN JOSE/EVERGREEN COMMUNITY COLLEGE DISTRICT

San José City College • Evergreen Valley College

Geraldine A. Evans, Ph.D., Chancellor



July 14, 2004

Vice Chancellor
Administrative Services
Michael Hill

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San Jose, CA 95135-1599
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Santa Clara County Elections Office
1555 Berger Drive, Bldg. 2
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San Jose, CA 95112

FILED
JUL 14 2004
REGISTRAR OF VOTERS
COUNTY OF SANTA CLARA
By Michael Hill Deputy

Re: San Jose-Evergreen Community College District

Dear Shannon:

The attached San Jose-Evergreen Community College District Board of Trustees RESOLUTION "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER" adopted on July 13, 2004 calling for a November 2, 2004 general obligation bond election. Please note that in Exhibit A (ballot statement), the District considers the bold faced name of the measure part of the 75 word ballot statement requirement which should appear on the ballot. Further note that the Resolution provides Exhibit B, the "Full Text" Ballot which must be printed in its entirety in the voter pamphlet.

With respect to the ballot measure, we expect that the name of the measure will appear on the ballot..

By this letter we are formally requesting to review a proof of the ballot statement language, the full text of the ballot proposition, the tax rate statement, impartial analysis and ballot arguments that would appear in the voter pamphlet prior to publishing. Please direct this proof to the undersigned as soon as it is available.

This letter also authorizes you to make contact with David Casnocha of Stradling Yocca Carlson & Rauth at 415-283-2241. He is the District's Bond Counsel and represents the District on this bond election.

We would be more than happy to provide you with the resolution electronically in order to facilitate your work, or to assist with this process in any other manner.

Sincerely,

Michael Hill
Vice Chancellor,
Administrative Services

*Please publish notice in San Jose Post Record
Michael Hill
07/14/04*

Governing Board

Maria Fuentes • Richard Hobbs • Ron Lind • Nancy Pyle • Richard K. Tanaka • Fred Tovar • Dawn Wright

4:15pm

FILED

JUL 14 2004

RESOLUTION OF THE BOARD OF TRUSTEES OF THE SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

REGISTRAR OF VOTERS COUNTY OF SANTA CLARA

By SB Deput

WHEREAS, the Board of Trustees (the "Board") has determined that certain properties and equipment within the San Jose-Evergreen Community College District (the "District"), within Santa Clara County ("Santa Clara County") need to be acquired, constructed, improved, and equipped to enable the District to maintain both San Jose City College and Evergreen Valley College as valuable community resources, to train and re-train 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 colleges; and

WHEREAS, due to the rapid growth in the District's service area, thousands of new students are entering college each year and San Jose City College and Evergreen Valley College each needs to respond to such growth by expanding their campuses and constructing new facilities or upgrading existing older buildings; and

WHEREAS, the Board has determined that the addition of new classrooms, laboratories and instructional equipment; the installation of fire safety equipment; the improvement of electrical, lighting, ventilation and fire detection systems in existing classrooms; the need for disabled student access improvements; and the improvement of campus safety are also among the highest priorities of the Board; 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 San Jose City College and Evergreen Valley College for all their 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, in the judgment of the Board, the general obligation bonds shall not increase the tax rates currently being paid to support the District's 1998 bonds; 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, 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 2, 2004, and to request the Santa Clara 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 Santa Clara 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 SAN JOSE-EVERGREEN 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 the Santa Clara 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 \$185 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 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 teacher and administrator salaries and other college operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit "B", evaluated the impact of growth in enrollment, safety, class offerings 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; and

(f) that the tax levy authorized to secure the bonds of this election shall not exceed the Proposition 39 limit 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.* 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 Santa Clara County Registrar of Voters and the Santa Clara County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 2, 2004 within the District.

Section 7. That this Resolution shall stand as the "order of election" to the Santa Clara County Registrar of Voters to call an election within the boundaries of the District on November 2, 2004.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the Santa Clara County Registrar of Voters no later than August 6, 2004.

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 Santa Clara 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 Santa Clara 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 13th day of July, 2004.

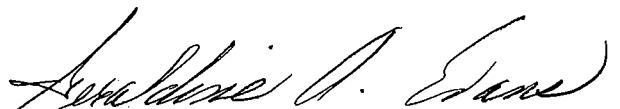
I, Geraldine Evans, do hereby certify that the foregoing is a true and correct copy of Resolution, which was duly adopted by the Board of Trustees of the San Jose-Evergreen Community College District at meeting thereof held on the 13th day of July, 2004, and that it was so adopted by the following vote:

AYES: Fuentes, Hobbs, Pyle, Tanaka, Tovar, Wright

NOES: None

ABSENT: Lind

ABSTENTIONS: None

By 
Secretary

8210-label

EXHIBIT A

“San Jose City College and Evergreen Valley College Improvement Measure: To prepare students for jobs and transfer to four-year universities by:

- Building art, science and math classrooms and labs;
- Expanding healthcare job training facilities; and by
- Upgrading, acquiring, constructing and equipping facilities, sites and classrooms;

shall San Jose-Evergreen Community College District issue \$185 million in bonds, at legal rates, with citizen oversight, guaranteed annual audits, and no money for administrators' salaries and without increasing existing tax rates?”

Bonds - Yes

Bonds – No

8210-2

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
OF THE SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION NOVEMBER 2, 2004

TEXT
BEGINS
HERE
✓

The following is the full proposition presented to the voters of the San Jose-Evergreen Community College District.

→ “San Jose City College and Evergreen Valley College Improvement Measure: To prepare students for jobs and transfer to four-year universities by:

- Building art, science and math classrooms and labs;
- Expanding healthcare job training facilities; and by
- Upgrading, acquiring, constructing and equipping facilities, sites and classrooms;

shall San Jose-Evergreen Community College District issue \$185 million in bonds, at legal rates, with citizen oversight, guaranteed annual audits, and no money for administrators’ salaries and without increasing existing tax rates?”

Bonds - Yes

Bonds – No

PROJECTS

The Board of Trustees of the San Jose-Evergreen Community College District, to be responsive to the needs of students and the community, evaluated the District’s urgent and critical facility needs, including safety issues, enrollment growth, energy cost reduction and information and computer technology, in developing the scope of projects to be funded, as outlined in both the Evergreen Valley College Master Plan Review & Update of October 1999, and the Educational & Facilities Master Plan San Jose City College of November 1999 (together the “Facilities Master Plan”), accepted by the Board of Trustees, 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 the most critical needs and the most urgent and basic repairs that will make the colleges clean and safe for learning are addressed. The Board 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 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 five important determinations:**

- (i) **In tough economic times community colleges, including San Jose City and Evergreen Valley Colleges, are critically important to re-train people who want to expand their job skills;**
- (ii) **Statewide budget cuts are damaging San Jose City and Evergreen Valley Colleges’ ability to provide a high-quality education for local students;**
- (iii) **San Jose City College and Evergreen Valley Colleges must provide facilities and classes for academic programs for students who want to transfer to four-year colleges;**

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- (iv) **San Jose City College and Evergreen Valley Colleges must upgrade and expand job training classrooms to meet the demands of a changing workforce;**
- (v) **San Jose City College and Evergreen Valley Colleges must help provide a better-educated workforce which will benefit local businesses and stimulate our economy through new classrooms, computer labs and expanded job training programs;**

The Facilities Master Plan is on file at the District's Office of the Chancellor, and includes the following projects:

SAN JOSE CITY COLLEGE

- **Expand Classroom and Facility Capacity, Upgrade Classrooms/Labs For Emerging Medical Service Programs:**

Increase classroom and facility capacity for academic and job training classes, including the building of math, applied science, nursing and medical training, science labs, child development, dental health, physical and health education and health science facilities, cosmetology, graphic, fine arts; construct "smart classrooms" for enhanced distance learning.

- **Improve Emergency Access and Access to Parking:**

To improve student safety, improve campus road network to eliminate unsafe conditions, reduce gridlock, improve pedestrian safety and increase access for emergency vehicles; add parking to accommodate increasing student population.

- **Repair, Upgrade, Equip, and/or Replace Obsolete Classrooms, Science and Computer Labs, Instructional Facilities, Sites and Utilities; Meet Demands of Changing Workforce; Expand Access to English, Reading, Math and Language Classes:**

Repair, upgrade and/or replace old classrooms, plumbing, sewer, drainage, electrical systems, wiring, unsanitary and run down bathrooms, heating, ventilation and cooling systems, telecommunication systems, fields and grounds, science laboratories, lecture halls, and other instructional facilities; relocate maintenance and operations; acquire sites to provide additional classrooms, training and administrative facilities; wire classrooms for computers and technology, increase safety, increase energy efficiency, acquire equipment, reduce fire hazards, reduce operating costs so more classes and job training can be offered, improve academic instruction, and meet legal requirements for disabled access.

- **Repair, Replace and Upgrade Electrical, Mechanical and Utility Systems to Reduce Energy Consumption and Utility Bills and Accommodate Computer Technology, Internet Access and Communications Systems.**

- **Safety Improvements:**

Remove harmful asbestos; upgrade existing fire alarms, sprinklers, smoke detectors, intercoms and fire doors; install security systems, exterior lighting, emergency lighting, door locks and fences, repair uneven sidewalk and walkways.

- **Technology Upgrades:**

Upgrade Internet access and cable technology; upgrade telecommunication, voice/data systems; campus-wide technology upgrades, computers; replace outdated equipment.

EVERGREEN VALLEY COLLEGE

- **Construct Classrooms, Expand Classroom and Facility Capacity, Upgrade Classrooms/Labs For Science and Medical Services:**

To accommodate growing enrollment, increase multi-disciplinary classroom capacity for academic and job training classes, including English, language, math, pre-nursing and medical training, science labs, child development; expand physical and health education facilities, fine and performing arts, classrooms and labs.

- **Repair, Upgrade, Equip, and/or Replace Obsolete Classrooms, Facilities, Science and Computer Labs, Instructional Facilities, Sites and Utilities; Meet Demands of Changing Workforce:**

Repair, upgrade and/or replace old flooring, plumbing, sewer, drainage, electrical systems, wiring, unsanitary and run down bathrooms, heating, ventilation and cooling systems, telecommunication systems, classrooms, fields and grounds, science laboratories, lecture halls, and other instructional and District administrative facilities; improve wiring classrooms for computers and technology, increase safety, increase energy efficiency, acquire equipment, reduce fire hazards, reduce operating costs so more classes and job training can be offered, improve academic instruction, and meet legal requirements for disabled access.

- **Improve Emergency Access and Access to Parking:**

To improve student safety, redesign campus road network to eliminate unsafe conditions, reduce gridlock, improve pedestrian safety and increase access for emergency vehicles; add parking to accommodate increasing student population.

- **Safety Improvements:**

Remove harmful asbestos; upgrade existing fire alarms, sprinklers, smoke detectors, intercoms and fire doors; install security systems, exterior lighting, emergency lighting, door locks and fences, repair uneven sidewalk and walkways.

- **Technology Upgrades:**

Upgrade Internet access and cable technology; upgrade telecommunication and voice data systems; campus-wide technology upgrades, computers; replace outdated equipment.

- **Repair, Replace and Upgrade Electrical, and Mechanical and Utility Systems to Reduce Energy Consumption and Utility Bills and Accommodate Computer Technology, Internet Access and Communications Systems.**

OTHER PROJECTS

- **Refinance Existing Lease Obligations.**
- **Provide greater access to technology, upgrading electrical wiring for computers at all campuses.**
- **Acquire a site and construct a North District Multi-Disciplinary Building.**

Listed building, repair, and rehabilitation projects and upgrades will be completed as needed. Each project is assumed to include its share of furniture, 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 funds and the final costs of each project. The budget for each project is an estimate and may be

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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 San Jose City College and Evergreen Valley 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.

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 ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, OR REPLACEMENT OF COLLEGE FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF COLLEGE FACILITIES, AND NOT FOR ANY OTHER PURPOSE, INCLUDING TEACHER AND ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES. BY LAW, ALL FUNDS CAN ONLY BE SPENT ON REPAIR AND IMPROVEMENT PROJECTS.

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