RESOLUTION NO. 2018-02


WHEREAS, Sierra College is an essential community resource and provides the most affordable higher education and job training to local students in our area entering the workforce or training for new professions; and

WHEREAS, Sierra College is an essential part of the local economy, as leading local employers rely on the college’s specialized training programs to train local workers in public safety, science, nursing, child development, welding, building trades, technology and other industries; and

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

WHEREAS, when Sierra College’s main campus opened 56-years ago, it served only 1,500, whereas currently it serves 24,000 full and part-time students, compelling the Board to act to meet the demands of a growing student population; and

WHEREAS, the State is not providing the District with enough money for the District to adequately maintain Sierra College’s Rocklin Campus educational facilities and academic programs; and

WHEREAS, the Board has received information regarding the feasibility of a local bond measure and the District’s bonding capacity; and

WHEREAS, a local measure will provide funds that cannot be taken away by the State to support local college transfer and job training; and

WHEREAS, a local measure will make the District eligible to receive State matching funds; and

WHEREAS, such a local measure will include mandatory taxpayer protections, including an independent citizens’ oversight of all funds and mandatory annual financial audits to ensure funds are spent only as authorized; and

WHEREAS, the Board and District has solicited stakeholder and community input on priorities from students, faculty, staff, business and civic leaders, and the community; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional funding for job training and workforce preparation for students of all ages, veterans and local residents and to
improve facilities for course opportunities in technical vocational careers, by means of a general obligation bond issued in a financially prudent manner; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which reduced the voter threshold for ad valorem tax levies used to pay for debt service or bonded indebtedness to 55 percent 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 monitored 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, Elections Code Section 9400 et seq. 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 tax rate statement and ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on June 5, 2018, and to request that each of the Placer County, El Dorado County and Sacramento County Registrars of Voters, respectively, perform certain election services for the District; and

WHEREAS, in the judgment of the Board, it is advisable to request each of the Placer County, El Dorado County and Sacramento County Registrars of Voters, respectively, 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 SIERRA JOINT COMMUNITY COLLEGE DISTRICT ACTING AS THE LEGISLATIVE BODY OF THE SIERRA JOINT COMMUNITY COLLEGE DISTRICT SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 4 (ROCKLIN AREA CAMPUS) 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 Placer 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 $350,000,000 (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 June 5, 2018.

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 college affordability, safety, university transfer, job training, enrollment trends, class size reduction, class availability, information technology and technical job training facilities 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 (1) member who is active in a taxpayers 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 scheduled 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 Education Code Section 5322.

Section 6. That the respective Placer County, El Dorado County and Sacramento County Registrars of Voters and, the respective Placer County, El Dorado County and Sacramento County Boards of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 5, 2018 within the District, and pursuant to Elections Code Section 10403, the District acknowledges that the consolidation election will be held and conducted in the manner described in Elections Code Section 10418.

Section 7. That this Resolution shall stand as the “order of election” to each of the Placer County, El Dorado County and Sacramento County Registrars of Voters to call an election within the boundaries of the District on June 5, 2018.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the Placer County, El Dorado County and Sacramento County Registrars of Voters no later than February 2, 2018.

Section 9. That the bonds shall be issued pursuant to Education Code Section 15300 et seq. or issued pursuant to Government Code Section 53506. 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 filing of a Tax Rate Statement and primary and rebuttal arguments, as appropriate, and directs their 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 Education Code Section 5303 and Elections Code Section 10002, each of the Placer County, El Dorado County and Sacramento County Boards of Supervisors are requested to permit their respective Registrar of Voters to render all services specified by Elections Code Section 10418, for which services the District agrees to reimburse each of Placer County, El Dorado and Sacramento 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 Education Code Section 5363 and Elections Code Section 12112.

ADOPTED, SIGNED AND APPROVED this 9th day of January, 2018.

BOARD OF TRUSTEES OF THE SIERRA JOINT COMMUNITY COLLEGE DISTRICT ACTING AS THE LEGISLATIVE BODY OF THE SIERRA JOINT COMMUNITY COLLEGE DISTRICT SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 4 (ROCKLIN AREA CAMPUS)

By ______________________________
    President, Board of Trustees

Attest:

______________________________
    William H. Duncan, IV, Secretary
STATE OF CALIFORNIA   


PLACER COUNTY   


I, William H. Duncan, IV, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2018-02 which was duly adopted by the Board of Trustees of the Sierra Joint Community College District at meeting thereof held on the 9th day of January, 2018, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By  ________________________________

William H. Duncan, IV, Superintendent President
EXHIBIT A

“To bring older buildings to code/standards for continued use, improve workforce job training facilities to affordably prepare, train/retrain students/veterans for quality jobs, repair, construct, acquire classrooms, facilities, equipment, shall the measure for Sierra Joint Community College District to issue $350,000,000 in bonds at legal rates and levy on average 1.7 cents/$100 assessed value ($18,000,000 annually) while bonds are outstanding be adopted, with taxpayer oversight/audits, no money for administrator salaries/pensions, all funds used locally?”

Bonds – Yes                             Bonds – No
EXHIBIT B
FULL TEXT BALLOT PROPOSITION
SIERRA JOINT COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION JUNE 5, 2018

“To bring older buildings to code/standards for continued use, improve workforce job training facilities to affordably prepare, train/retrain students/veterans for quality jobs, repair, construct, acquire classrooms, facilities, equipment, shall the measure for Sierra Joint Community College District to issue $350,000,000 in bonds at legal rates and levy on average 1.7 cents/$100 assessed value ($18,000,000 annually) while bonds are outstanding be adopted, with taxpayer oversight/audits, no money for administrator salaries/pensions, all funds used locally?”

Bonds – Yes       Bonds – No

PROJECTS

The Board of Trustees of the Sierra Joint Community College District, to be responsive to the needs of its community, evaluated Sierra College’s Rocklin Campus’ older buildings and critical facility needs, and its capacity to provide students, military Veterans with support and job training facilities, and an affordable education to prepare them for success in college and careers. Veteran’s support, job training and college transfer facilities, safety issues, class size and offerings, and information and computer technology were each considered in developing the scope of projects to be funded. In developing the scope of projects, basic repairs, workforce job training facilities, campus safety, facilities supporting Veterans, and the expansion of opportunities for local students to receive an affordable, quality education, were prioritized. If these facility needs are not addressed now, Sierra College would be unable to remain competitive in preparing students for jobs in high demand industries and university transfer. The Board of Trustees determines that Sierra College MUST:

(i) Bring old buildings up to code and current standards so that they can continue to be used for training our students;

(ii) Increase opportunities for local students to earn college credits, certifications and job skills at reasonable prices and transfer to four-year colleges and universities;

(iii) Continue to provide essential job training and workforce preparation for students of all ages in police, fire, nursing, paramedic, science and technology;

(iv) ENSURE THAT ALL MONEY RAISED BY THIS MEASURE WILL STAY IN OUR LOCAL COMMUNITY TO SUPPORT LOCAL STUDENTS, AND CANNOT BE TAKEN AWAY BY THE STATE OR USED FOR OTHER PURPOSES;

(v) PROVIDE A COST-EFFECTIVE HIGHER EDUCATION FOR LOCAL STUDENTS;

(vi) Adhere to stringent fiscal accountability safeguards including:

   (a) All expenditures will be subject to annual independent financial audits,

   (b) No funds will be used for administrators’ salaries and pensions,
(c) An independent citizens’ oversight committee will be appointed to ensure that all funds are spent only as authorized.

The following types of projects are authorized to be undertaken at each of the District’s locations:

**PROJECTS WHICH:**

**PROVIDE AN AFFORDABLE EDUCATION FOR LOCAL RESIDENTS:**

**Upgrade Older Buildings Needed To Provide Workforce Job Training and Education**

- Upgrade older buildings to current codes and standards to permit their continued use.
- Upgrade 50 year-old aging infrastructure, including deteriorating electrical, plumbing, heating, ventilation, and mechanical systems as important safety repairs and upgrades.
- Upgrade technology.
- Expand and retrofit older buildings to bring them up to current code and safety standards.
- Repair aging facilities to extend their useful life.
- Build new Public Safety Center, Science Building, Instructional Building.
- Provide facilities for students who want workforce training right after high school or want to learn new skills later in life.

**PROVIDE JOB TRAINING, COLLEGE TRANSFER AND VETERAN SUPPORT:**

**Classroom Improvements To Help Students Transfer to Four-Year Universities**

- Construct/expand classroom space for local high school students to earn an associate’s degree along with a high school diploma, to better prepare them for college and save time and money.
- Build a joint California State University – Sierra College facility on donated land in West Placer so students can earn a 4-year degree close to home.
- Update classrooms and science labs to equip students with advanced skills they need to compete in high demand fields, including science, technology, engineering, math (STEM) and medicine.
- Improve facilities designed for increasing collaborations with private and public employers for fulfill local job training and placement needs.
- Update classrooms for job training in technology, engineering, nursing and health sciences.
- Update classrooms and labs and science facilities using energy efficient measures and materials to reduce utility costs.

* * *
FISCAL ACCOUNTABILITY

This bond measure has strict accountability requirements including:

1. All money will benefit the Sierra College campus and local students and CANNOT BE TAKEN BY THE STATE.

2. NO MONEY can be used for ADMINISTRATOR SALARIES or pensions.

3. Require CITIZENS’ OVERSIGHT and yearly audits to ensure all funds are used locally, effectively and as promised.

4. 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, faculty and college administrator salaries, pensions and other operating expenses.

5. 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.

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, a customary contingency, and costs associated with the Total Cost of Ownership of facilities and equipment. In addition to the listed projects stated above, authorized projects also include the acquisition of a variety of instructional, maintenance and operational equipment, including interim funding incurred to advance fund projects from payment of the costs of preparation of all facility planning, fiscal reporting, facility studies, 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, ventilation and air conditioning systems; upgrade of facilities for energy efficiencies, including photovoltaic/solar installations; repair and replacement of worn-out roofs, windows, walls, doors and drinking fountains; replace or remove outdated buildings and classrooms and construction of new classrooms and support buildings; installation of wiring and electrical systems to safely accommodate computers, technology and other electrical devices and needs; upgrade facilities to meet earthquake safety standards, current environmental sustainability and State compliance standards; repair and replacement of fire alarms, emergency communications and security systems; upgrade classrooms; build or upgrade facilities; construct, expand or reconfigure facilities to create university center, lecture classrooms; construct parking lots/parking garage(s), upgrade, resurfacing and reconditioning existing parking lots; improve vehicular access and traffic
circulation; improve pathways, such as sidewalks, pedestrian bridge, traffic center, courtyards; improve drop-off zones; repair, upgrade and install interior and exterior lighting systems; replace water lines and valves, gas and sewer lines and other plumbing systems; construct, upgrade, replace, acquire or expand multi-use classrooms and labs, science building, fine arts and visual and performing arts facilities, learning resources center, maintenance yard, public safety center, support buildings, student service/campus center and instructional buildings, resource center, libraries, student services buildings; refinance outstanding lease obligations; improve water conservation and energy efficiency; replace or upgrade outdated security and safety systems; replace existing window systems with energy-efficient systems to reduce costs; improve insulation, weatherproofing 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; replace broken concrete walks, deteriorated asphalt; replace/upgrade existing signage, bells and clocks; demolition of unsafe facilities; install new security systems, such as security (surveillance) cameras, burglar alarms, handrails, outdoor lighting, fencing, gates and classroom door locks; create outdoor study and gathering spaces; interior and exterior painting, wall and floor covering replacement; 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 project list also includes the refinancing of outstanding lease obligations. The upgrading of technology infrastructure includes, but is not limited to, upgrading classroom technology, expanding wireless internet access, acquire portable interface devices, servers, switches, routers, modules, sound projection systems, information systems, printers, digital white boards, upgrade voice-over-IP, communication systems, audio/visual and telecommunications systems, call manager and network security/firewall, Internet connectivity, wireless systems, technology infrastructure, and other miscellaneous IT and instructional equipment, DATA storage, fiber/copper infrastructure, phones, identity access cards and the creation. The Project List includes the construction of buildings for general education classrooms, chemistry and biotechnology, allied health, arts/media services, engineering, math, technology and applied sciences, and the renovation of facilities for student services, business and workforce development, biology and related sciences.

The allocation of bond proceeds may be affected by the District’s receipt of State matching funds and the final costs of each project. 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.