

RESOLUTION 05/06-45

RESOLUTION OF THE BOARD OF TRUSTEES OF THE PERALTA COMMUNITY COLLEGE DISTRICT ORDERING AN ELECTION TO AUTHORIZE THE ISSUANCE OF COLLEGE BONDS, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON JUNE 6, 2006

WHEREAS, in the judgment of the Board of Trustees (the "Board") of the Peralta Community College District (the "District"), it is advisable to call an election to submit to the electors of the District the question 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 college 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 college district approved by 55 percent 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 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, 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 Tuesday, June 6, 2006, and to request the Alameda County Registrar of Voters to perform certain election services for the District; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Peralta Community College District the following:

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 shall be issued and sold in the maximum principal amount of \$390,000,000 for the purpose of raising money to finance college 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 June 6, 2006, 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 proposition, 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 purpose stated therein, together with the accountability requirements of Article XIII A and Government Code Section

53410 and the requirements of Section 15272 of the Act. 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 Alameda 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 I, 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. College Facilities Projects. As required by Article XIII A, the Board hereby certifies that it has evaluated safety, enrollment growth, and information technology needs in developing the list of college facilities projects set forth on Exhibit A-1.

Section 6. Covenants of the Board upon Approval of the Bonds by the Electorate. As required by Article XIII, Section 15278 of the Act, and Government Code Section 53410, in the event 55 percent of the voters voting in the District approve of the Bonds, the Board shall:

1. conduct an annual, independent performance audit to ensure that the funds have been expended only on the projects listed in Exhibit A-1;
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 college facilities projects listed in Exhibit A-1;
3. establish and appoint members to an independent citizens oversight committee that shall be comprised of at least one member of a business organization, a senior citizen's organization, and a taxpayers' organization;
4. apply the bond proceeds only to the specific purposes stated in the ballot proposition;
5. cause creation of accounts into which bond proceeds shall be deposited; and
6. cause the preparation of an annual report pursuant to Government Code Sections 53410 and 53411.
7. utilize the existing Facilities Committee that has been established by the integrated strategic planning process, at each campus, to be composed *inter alia* of members from each of the stakeholder groups (Student Government, administration, Academic Senate, Classified Senate, PFT, SEIU 790, Local 39 and Confidentials) to advise the Chancellor and the Board of Trustees relative to their preferences for the way funds should be utilized as they become available.

Section 7. Delivery of this Resolution. The Clerk of the Board is hereby directed to send a copy of this Resolution to the Alameda County Superintendent of Schools, the Alameda County Registrar of Voters (the "County Registrar") and the Alameda County Clerk of the Board of Supervisors.

Section 8. Consolidation of Election. The County Registrar and the Alameda County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 6, 2006, within the District.

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. Elections Code. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Alameda County, is 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 Alameda County in full upon presentation of a bill, such services to include the publication of a formal Notice of College Bond Election attached hereto as Exhibit C and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code).

Section 11. Agreements. The Chancellor is authorized and directed to execute the agreement on file with Jones Hall, A Professional Law Corporation, which firm is appointed hereby to perform bond counsel services in regard to the Bonds and the agreement with Dale Scott & Company, Inc., as Financial Advisor.

Section 12. Effective Date. This resolution shall take effect on and after its adoption.

PASSED AND ADOPTED by the Board of Trustees of the Peralta Community College District the ____ day of February, 2006.

Signed:

Clerk

EXHIBIT A

BALLOT MEASURE FULL TEXT OF MEASURE

BOND AUTHORIZATION

By approval of this proposition by at least 55 percent of the registered voters voting on the proposition, the District shall be authorized to issue and sell bonds of up to \$390,000,000 in aggregated principal at interest rates below the legal limit, to provide finance for the specific college facilities projects listed in the Bond Project List attached hereto as Exhibit A-1, subject to all the accountability requirements specified below.

BOND PROJECT LIST

Approval of this Bond Measure (the "Measure") does not guarantee that the proposed project or projects in the District that are the subject of bonds under the Measure will be funded beyond the local revenues generated by the Measure. If state matching funds become available, they will be used for and applied to the Bond Project List as per Exhibit A-1. The District's proposal for the project or projects assumes the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

ACCOUNTABILITY REQUIREMENTS

The Board hereby certifies that it has evaluated safety, enrollment growth, and information technology needs in developing the Bond Project List contained in Exhibit A-1.

Independent Citizens' Oversight Committee. The Board shall establish an Independent Citizens' Oversight Committee pursuant to Education Code Section 15278 and following to ensure bond proceeds are expended only on the college facilities projects listed in Exhibit A-1. The committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board.

Performance Audits. The Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the college facilities projects listed in Exhibit A-1.

Financial Audits. The Board shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the college facilities projects listed in Exhibit A-1.

Special Bond Proceeds Account: Annual Report to Board. Upon approval of this proposition and the sale of any bonds approved, the Board shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the chief fiscal officer of the District shall cause a report to be filed with the Board annually stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Chancellor shall determine and may be incorporated in the annual budget, audit, or another appropriate routine report to the Board.

FURTHER SPECIFICATIONS

No Administrator Salaries. Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction and/or rehabilitation of college facilities including the furnishing and equipping of college facilities or acquisition or lease of real property for college facilities and not for any other purpose, including teacher and administrator salaries and other college operating expenses.

The proceeds of the bonds will be deposited into a Building Fund to be held by the Alameda County Treasurer, as required by the California Education Code.

EXHIBIT A-1

BOND PROJECT LIST

The Governing Board of the Peralta Community College District has evaluated the District's need to acquire, construct, and equip new facilities and to repair, equip, and renovate its existing facilities to meet the educational needs of the community.

The project list assumes state matching funding from current and/or future statewide bond measures. Peralta Community College District will aggressively pursue state funds and other types of funds to maximize funding for our projects. Bond funds cannot be used for administrative salaries.

Project costs may include, but not be limited to, site acquisition, architectural design, engineering, site improvements, temporary facilities during construction, inspection and testing services, plan review fees and interim financing, furniture and equipment, science and technology.

DISTRICT-WIDE PROJECTS:

Project costs for the acquisition, construction, repair, refurbishment, equipping, upgrading, and modernization of classrooms, campuses, buildings, facilities, and grounds throughout the District may include, but are not limited to:

- Classrooms and facilities to enhance the community outreach capabilities of the District among the numerous ethnic communities living in and served by the District;
- District-wide safety systems including disaster preparedness, campus security and hazardous and toxic waste handling;
- Science, math, and language labs and classrooms;
- Solar energy system installation and the retrofitting of existing energy systems;
- Nurse training program classrooms and facilities;
- Environmental upgrades to existing buildings to provide for "green" ecologically appropriate usage;
- Police, fire, homeland security, and community safety-worker program classrooms and buildings;
- Walkways, parking lots, landscaping, and handicap accessibility improvements;
- Temporary residences for at-risk students;
- Technological infrastructure for distance learning;
- Lighting and electrical systems;
- Heating, air, and ventilation systems;
- Flooring, roofs, windows, and wall systems;
- Plumbing, painting, and fixtures;
- Communication, bell and fire alarm systems;
- Athletic facilities and equipment; and
- Security systems, fencing, site improvements.

SPECIFIC PROJECTS AND MAJOR REPAIR OF EXISTING FACILITIES:

Project costs for the acquisition, construction, repair, refurbishment, equipping, upgrading, and modernization of classrooms, buildings, facilities, and grounds at the District's four campuses may include, but is not limited to:

Laney College

- Basics Skills and Instructional Support Center
- Center for Student and Civic Engagement
- Repair, upgrade and renovate Labs, including science, math, English, language, and technology labs.
- Consolidate Student Services
- Athletic Fields, Gym and Facilities
- Language Labs – English, ESL, Foreign Language
- Library Improvements (Facilities, Collection, Technology)
- Student Center
- Bookstore
- Administration – Tower building repairs, upgrades, and renovations
- Technology Center
- Student Physical and Mental Health Services
- Student Center Food Services
- Children's Center
- Transportation and Circulation Improvements
- Improvement to Landscaping
- Security and Safety Improvements
- Emergency Services
- Parking Structure
- Plumbing, electrical, mechanical system upgrades and improvements;
- Classroom and facilities repairs and grounds improvements;
- Campus security and safety;
- Classroom and facility technology upgrades ;
- Handicap accessibility;
- Science Lab upgrades;
- Additional classroom space;
- Upgrading power grid, network capacity and cooling/ventilation in labs, including science, math, English, language, and technology labs.
- Modification of classrooms throughout campus to increase student capacity;
- Upgrading of handicapped access throughout the campus;
- Repair and refurbish library bathrooms
- Equipment, technology upgrades, and facility and classroom improvements for the college's following programs: Biology, Business, Chemistry, CIS, Culinary Arts, Dance, Environmental Control Technology, Foreign Languages, Geography, Math, Theater Arts, and Welding.

Merritt College

- Plumbing, electrical, mechanical system upgrades and improvements;
- Classroom and facilities repairs and grounds improvements;
- Campus security and safety;
- Technology upgrades;
- Handicap accessibility;

- Science Lab upgrades;
- Nursing Skills Labs;
- Dedicated Nursing Program conference room and classrooms;
- Allied Health labs;
- Providing for and equipping sufficient office space nursing instructors and science instructors;
- Science faculty meeting areas;
- Additional large classroom space;
- Additional space for the college Learning Center;
- Expansion of the horticulture library and additional office space;
- Expansion of the present Landscape Horticulture offices into a library;
- Addition of outdoor classroom/facilities room for Landscape Horticulture;
- Upgrading power grid, network capacity and cooling/ventilation in labs, including science, math, English, language, and technology labs;
- Modification of classrooms throughout campus to increase student capacity;
- Upgrading of handicapped access throughout the campus;
- Creation of appropriate access for the Self Reliant House
- HVAC in Library
- Repair and refurbish library bathrooms
- Infrastructure for classroom satellite video feed;
- Language listening lab in Library;
- Group study rooms in Library;
- Program/Event space in Library;
- Remodel ancillary staff rooms in Library;
- Testing facilities for DSPS students;
- Public Safety training facility for Police and Fire academies, as well as courses in EMT and Paramedic training; and
- Equipment, technology upgrades, and facility and classroom improvements for the college's following programs: Science, Child Development, Communications, English as a Second Language at the Fruitvale Education Center, Art, Ceramics, Landscape Horticulture/Design, Learning Center, Liberal Arts, Music, Physical Education/Athletics, and Radiologic Science.

Berkeley City College (formerly, Vista)

- Plumbing, electrical, mechanical system upgrades and improvements;
- Equipping classroom and campus facilities;
- Campus security and safety;
- Classroom and facility technology upgrades;
- Constructing/acquiring additional office space for faculty and professionals;
- Handicap accessibility;
- Providing for additional parking;
- Science Lab upgrades;
- Remodeling classroom space;
- Modification of classrooms throughout campus to increase student capacity;
- Upgrading of handicapped access throughout the campus;
- Equipment, technology upgrades, and facility and classroom improvements for the college's following programs and proposed programs: American Sign Language, Biotechnology, Business, Computer Information Systems, Disaster Preparedness, Fine and Applied Arts, Global Studies, International Trade, Multimedia Arts, Social Services Paraprofessional, Travel and Tourism Industry, Foundations (Basic Skills), Network

Administration, Teacher Preparation, International Studies, and High School Honor's Courses (Advanced Placement).

College of Alameda

- Plumbing, electrical, mechanical system upgrades and improvements;
- Remodeling and equipping classroom and campus facilities;
- Campus security and safety;
- Classroom and facility technology upgrades;
- Constructing/acquiring additional office space for faculty and professionals;
- Handicap accessibility;
- Providing for additional parking;
- Science Lab upgrades;
- Remodeling classroom space;
- Modification of classrooms throughout campus to increase student capacity;
- Upgrading of handicapped access throughout the campus;
- Equipment, technology upgrades, and facility and classroom improvements and expansions for the college's following programs and proposed programs: Automotive Technology, Aviation Mechanic Technology Program, Diesel Mechanic Technology, Online-Education, Teacher Education, Institute in Foreign Languages (including but not limited to ESL and Spanish for Police Officers), Pharmacy Technician, Bioinformatics, Student Services, Dental Assisting, Accounting, Library, Learning Resources Center, Art, Anthropology, Apprenticeship programs, Astronomy and Physics, Biology, Extended Opportunities and Programs, Programs and Services for Students with Disabilities (Offices and Adapted Computer Lab), Computer Information Systems, Diesel, Dance, Music, Health Services, and CalWORKs/Workforce Development.