

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

WHEREAS, the Board of Trustees (the "Board") of the San Bernardino 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 San Bernardino Valley College and Crafton Hills College as valuable community resources that provide an affordable education to local students and veterans who desire to learn job skills and transfer to four-year universities; and

WHEREAS, since the costs of attending California's public universities has become so expensive, more local students are relying on community colleges, such as San Bernardino Valley College and Crafton Hills College, and the high quality, affordable college options they each provide; and

WHEREAS, in today's competitive job environment, both San Bernardino Valley College and Crafton Hills College must continue providing important job training and education for local residents entering the workforce for new professions and increase opportunities for local students to earn college credits, certifications and job skills at a reasonable price; and

WHEREAS, the State is not providing the District with funding to adequately maintain San Bernardino Valley College and Crafton Hills College 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 permit the District to ensure a healthy work and study environment by improving campus safety, emergency communication systems, repairing leaky roofs, old rusty plumbing and faulty electrical systems; and

WHEREAS, a local measure will update San Bernardino Valley College and Crafton Hills College education facilities and technology to prepare students for 21st century jobs; and

WHEREAS, a local measure will help San Bernardino Valley College and Crafton Hills College provide career technical education in fields such as emergency medical services, anatomy and nursing; and

WHEREAS, given the increased fire dangers due to the drought and climate changes, providing new fire and public safety training facilities in East Valley will allow the District to train firefighters and public safety officers who will help keep our community safe; and

WHEREAS, a local measure will improve services for veterans returning to civilian life with job training, job placement, counseling and support services to military veterans and their families;

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 engineering, industrial technology, manufacturing, automotive technology, logistics, and other 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 established the voter threshold for *ad valorem* tax levies used to pay for debt service or bonded indebtedness at 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, 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.* of the Elections Code (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 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 November 6, 2018, and to request each of the San Bernardino 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 San Bernardino 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 TRUSTEES OF SAN BERNARDINO COMMUNITY COLLEGE DISTRICT 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 each of the San Bernardino 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 of \$470,000,000 (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. The District's Chancellor, Vice Chancellor of Business and Fiscal Services, or designee of the Chancellor is hereby authorized and directed to make any changes to the text of the measure, or to the abbreviated form of the measure, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of election officials, and requirement of law.

Section 2. That the date of the election shall be November 6, 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) that 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 needs of returning veterans, safety, university transfer, 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 member who is active in a bona fide taxpayer 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 San Bernardino County Registrar of Voters, the San Bernardino County Board of Supervisors, the Riverside County Board of Supervisors and the Riverside County Registrar of Voters are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 6, 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 Election Codes Section 10418.

Section 7. That this Resolution shall stand as the "order of election" to the San Bernardino County Registrar of Voters and the Riverside County Registrar of Voters to call an election within the boundaries of the District on November 6, 2018.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the San Bernardino County Registrar of Voters and the Riverside County Registrar of Voters no later than August 10, 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.

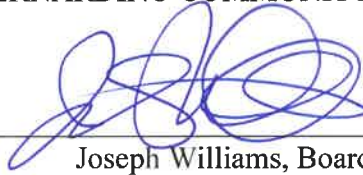
Section 10. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass be made by any body or official authorized by law to canvass the returns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

Section 11. Pursuant to Education Code Section 5303 and Elections Code Section 10002, the San Bernardino County Board of Supervisors and the Riverside County Board of Supervisors are requested to permit their respective Registrars of Voters to render all services specified by Elections Code Section 10418, for which services the District agrees to reimburse both San Bernardino 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 Elections Code Section 9401) pursuant to the terms of Education Code Section 5363 and Elections Code Section 12112.

ADOPTED, SIGNED AND APPROVED this 2nd day of August, 2018.

BOARD OF TRUSTEES OF THE
SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

By _____



Joseph Williams, Board President

Attest:



Bruce Baron, Secretary

STATE OF CALIFORNIA)
)ss
SAN BERNARDINO COUNTY)

I, Bruce Baron, do hereby certify that the foregoing is a true and correct copy of the resolution which was duly adopted by the Board of Trustees of the San Bernardino Community College District at meeting thereof held on the 2nd day of August 2018, and that it was so adopted by the following vote:

AYES: Williams, Harrison, Viricel, Ferracone, Longville, Reyes, and Singer

NOES: None

ABSENT: None

ABSTENTIONS: None

By  _____
Bruce Baron, Secretary

EXHIBIT A

“SAN BERNADINO VALLEY/ CRAFTON HILLS COLLEGE JOB TRAINING, SAFETY, REPAIR MEASURE. To upgrade classrooms, labs, Veterans Center, career counseling/job training facilities for science, engineering, nursing, industrial careers; improve student safety, access to affordable, high quality education; repair, construct/acquire classrooms, facilities, sites, equipment, shall San Bernardino Community College District’s measure authorizing \$470,000,000 in bonds at legal rates, levying 2.5 cents/\$100 assessed value, \$28,000,000 annually, while bonds are outstanding, be approved, with citizen oversight, all money staying local?”

Bonds - Yes

Bonds – No