

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

WHEREAS, the Board of Trustees (the "Board") of the Victor Valley Community College District (the "District") has determined that the properties and facilities of the Victor Valley College need to be expanded, maintained, acquired, constructed, improved, furnished, and equipped to enable Victor Valley College to respond to the growing community demand for affordable, local higher education which will train and retrain local residents for higher-paying and skilled jobs, and enhance educational opportunities for the students who desire to transfer to four-year universities; and

WHEREAS, due to the age and condition of many of the District's facilities, the District has been less able to provide necessary education programs, and thus Victor Valley College must act to maintain and expand its classroom capacity and provide a balance of job training, particularly in healthcare and public safety fields, and general education classes close to the homes of its students; and

WHEREAS, the Board has determined that the repair and replacement of aging classrooms, buildings, laboratories, and instructional equipment, and the construction of new classrooms and labs for nursing and other health care programs, police, fire, and public safety programs; the provision of state-of-the-art computer technology; the installation of fire safety equipment; the improvement of electrical, lighting, ventilation, and fire detection systems in existing classrooms; the enhancement of access for disabled students; and the improvement of facilities to provide students with more course options close to their homes are also among the highest priorities of the Board; and

WHEREAS, notwithstanding concerted and ongoing efforts by the District 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 enhance Victor Valley College for students; and

WHEREAS, if the District passed a local general obligation bond, the Board believes that Victor Valley College would be eligible for over \$90 million of additional State matching funds for Victor Valley College facility improvements; 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, the Board recognizes that the selection and timing of projects to be funded with the proceeds of local bonds should be based on a collaborative process that includes input from representative groups at Victor Valley College; and

WHEREAS, the Board proposes to establish a Bond Project Implementation Committee to provide it with advice on such matters; 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, as interpreted by the Attorney General of the State, which prohibit any bond money to be used for teacher or 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 7, 2006, and to request that both the Los Angeles County Registrar of Voters and the San Bernardino County Registrar of Voters perform certain election services for the District; and

WHEREAS, in the judgment of the Board, it is advisable to request the Los Angeles County Registrar of Voters and the San Bernardino 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 THE VICTOR VALLEY 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 both the Los Angeles County Registrar of Voters and the San Bernardino County Registrar of Voters 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 \$338 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 7, 2006.

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 be used only for the purposes set forth in the ballot measure and not for any other purpose, including teacher or administrator salaries or other operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit "B," evaluated the safety, class size and 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 are 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 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 in conjunction with the approval of a local bond measure, the Board establishes a Bond Project Implementation Committee, consisting of representatives of faculty, classified employees, management, and students at Victor Valley College.

Section 5. 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 6. That the authority for the specifications of this election order is contained in Section 5322 of the Education Code.

Section 7. That the Los Angeles County Registrar of Voters, the Los Angeles County Board of Supervisors, the San Bernardino County Registrar of Voters and the San Bernardino County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 7, 2006 within the District.

Section 8. That this Resolution shall stand as the "order of election" to the Los Angeles County Registrar of Voters and the San Bernardino County Registrar of Voters to call an election within the boundaries of the District on November 7, 2006.

Section 9. That the Secretary of the Board is hereby directed to deliver an original or a certified copy of this Resolution to the Los Angeles County Registrar of Voters and the San Bernardino Registrar of Voters no later than August 11, 2006.

Section 10. 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 11. 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 12. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Boards of Supervisors of both Los Angeles County and San Bernardino County are requested to permit the Registrar of Voters of each respective County to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse both Los Angeles County and San Bernardino 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 10th day of August, 2006.

BOARD OF TRUSTEES OF THE VICTOR
VALLEY COMMUNITY COLLEGE DISTRICT

By _____
Board President

Attest:

Secretary

STATE OF CALIFORNIA)
)ss
LOS ANGELES COUNTY)

I, _____, do hereby certify that the foregoing is a true and correct copy which was duly adopted by the Board of Trustees of the Victor Valley Community College District at the meeting thereof held on the 10th day of August, 2006, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary

EXHIBIT A

“Victor Valley College Job Training/Repair Measure. To improve education and prepare Victor Valley College students for high-demand jobs and university transfer, shall Victor Valley Community College District improve campus safety; repair and expand educational facilities including classrooms for nursing, emergency medical, police, and firefighting careers; upgrade aging plumbing, ventilating, roofing, electrical, safety systems; acquire sites, equipment; construct new educational facilities, by issuing \$338 million in bonds, at legal rates with independent citizen oversight and no money for administrators’ salaries.”

Bonds - Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
OF THE VICTOR VALLEY COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION NOVEMBER 7, 2006

“Victor Valley College Job Training/Repair Measure. To improve education and prepare Victor Valley College students for high demand jobs and university transfer, shall Victor Valley Community College District improve campus safety, repair, expand educational facilities, including classrooms for nursing, emergency medical, police, firefighting careers, upgrade aging plumbing, ventilating, roofing, electrical, safety systems, acquire sites, equipment, construct new educational facilities, by issuing \$338 million in bonds, at legal rates with independent citizen oversight and no money for administrators’ salaries?”

Bonds - Yes

Bonds – No

BOND PROJECT LIST

The Board of Trustees of the Victor Valley Community College District, to be responsive to the needs of students and the community, evaluated the District’s urgent and critical facility needs, including providing sufficient classrooms and labs to offer more courses and programs to students close to home, expanding facilities for programs in nursing and vocational training, facility maintenance, safety issues, class size and offerings, energy cost reduction and information and computer technology, in developing the scope of projects to be funded. 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 and the most urgent and basic facility needs and repairs that will make Victor Valley College clean and safe for learning, are addressed. The Board conducted facilities evaluations and received public input and review in developing the scope of college facility projects to be funded. This input of faculty and community leaders concluded that if these needs were not addressed now, Victor Valley College will be unable to remain competitive in preparing adult learners for current and emerging growth industries and university transfer. **In preparing this Bond Project List, the Board of Trustees determines that Victor Valley College must:**

- **Due to the growth of the area, expand the number of classrooms and labs that respond to changing technologies and provide immediate job training for critical professions such as nurses, emergency medical assistants, other health training programs and public safety programs, such as firefighting and police training.**
- **Renovate existing classrooms, science labs and vocational training facilities to insure that they are safe, energy efficient and provide access to state-of-the-art computers and that instructional technology prepare students to be competitive in the job market.**
- **Upgrade essential campus infrastructure, such as electrical systems and wiring for computer technology and internet access, plumbing, lighting, heating and ventilation systems, upgrade fire safety equipment including alarms, smoke detectors, sprinklers and aging roofs, as well as meet current earthquake and handicap accessibility standards.**

- **Provide safe classroom facilities throughout the area served by Victor Valley College to allow adult learners to receive job training and to enable more local students to transfer to four year universities.**
- **Insure that all bond funds stay in the local community and that such funds are leveraged to qualify for State matching facility funding.**

VICTOR VALLEY COLLEGE

- **Repair, Upgrade, Maintain, Equip, and/or Replace Obsolete Classrooms, Nursing and Health Care Training Facilities, Science and Computer Labs, Instructional and Job Training Facilities, Public Safety Training Facilities, Sites and Utilities; Meet Demands of Changing Workforce:**

Upgrade buildings to include educational equipment and laboratories, provide state-of-the-art computer technology capability for students, repair, build, upgrade and/or replace leaky roofs, decaying walls, old ceiling tiles and flooring, peeling paint, aging plumbing, sewer and drainage systems, inefficient electrical systems and wiring, deteriorated restrooms, heating, ventilation and cooling systems, bathrooms, classrooms, lecture halls, playing fields, hard courts, physical education facilities, track, stadium, grounds, science and other instructional laboratories and healthcare workforce facilities, technology center, library and student support facilities, administrative facilities, campus landscaping, fire fighting, public safety and other instructional facilities, wire classrooms for computers and other technology, increase energy efficiency, acquire furniture and equipment, increase safety, reduce fire hazards with alarms, smoke detectors, fire safety doors and sprinklers, reduce operating costs in order for more classes and job training to be offered, improve academic instruction; and meet legal requirements for disabled access.

- **Expand Classroom and Facility Capacity, Construct Classrooms and Buildings, Improve Science Center, Child Development Center, Upgrade Classrooms/Labs For Nursing and Emergency Medical Services, Public Safety and Vocational Training:**

Increase permanent classroom and facility capacity for academic and job training classes, including an allied health/nursing building for training nurses, paramedic technicians, lab and pharmacy, radiology and respiratory technicians, math, computer technology, other health care programs, physical and health education, construct student services center, upgrade or replace science labs, build conference center, expand classroom facilities for vocational training in agricultural management, physical therapy, sports training instruction, nutrition, automotive technology, veterinary medicine, construction management, applied arts and sciences facilities, physical and health education, construct student services center, upgrade campus technology, construct “smart classrooms” to improve technology-enhanced learning. Construct a new Public Safety Academy for fire fighting and law enforcement training. Expand music, math, art, business classrooms and studios.

- **Improve Safety and Disabled Access:**

Upgrade existing fire alarms, sprinklers, smoke detectors, fire doors, install security systems, exterior lighting, retaining walls, emergency lighting, emergency communication systems, doors, door locks and fences, improve accessibility for the disabled, repair stairs, walks and ramps, resurface parking lots.

- **Upgrade Technology:**

Provide state-of-the-art technology facilities, upgrade Internet access and wireless and cable technology, build “smart classrooms” to improve technology-enhanced and distance learning, upgrade telecommunications systems, upgrade campus-wide technology, replace outdated computers, hardware and software, replace network infrastructure equipment, and install wiring upgrades, campus wide underground fiber optics installation.

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

Improve and upgrade electrical and mechanical system to take advantage of state-of-the-art energy saving technologies to reduce energy bills and have more resources for student learning.

- **Improve Access:**

Improve campus road network and walkways, upgrade and expand parking areas and parking structures, improve pedestrian safety and increase access for emergency vehicles.

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, program management, staff training expenses and a customary contingency for unforeseen design and construction costs. The Bond Project List also includes the acquisition of property for new facilities to accommodate growing population in the District and the refinancing of existing lease obligations. The implementation of the Bond Project List will include the review by a Bond Project Implementation Committee consisting of representatives of the faculty, classified employees, management, and students of Victor Valley College. The allocation of bond proceeds will only be the purposes stated in this measure and 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. Based on the final costs of each project, certain of the projects described above may be delayed, modified or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair may occur, if the Board determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses. All projects include necessary site preparation/restoration 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.

FISCAL ACCOUNTABILITY. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY AND REPORTING REQUIREMENTS OF PROPOSITION 39 AND THE GOVERNMENT CODE. 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 AS 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 PERMITTED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

NO SALARIES OR OTHER OPERATING EXPENSES. PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED BY THIS PROPOSITION SHALL BE DEPOSITED INTO A SPECIAL ACCOUNT AND SHALL BE USED ONLY FOR THE CONSTRUCTION, RECONSTRUCTION, REHABILITATION, ACQUISITION OR REPLACEMENT OF COLLEGE FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF COLLEGE FACILITIES, AND NOT FOR ANY OTHER PURPOSE, INCLUDING TEACHERS' AND ADMINISTRATORS' SALARIES AND OTHER OPERATING EXPENSES.