

RESOLUTION NO. 20:12

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

WHEREAS, the Board of Trustees (the "Board") of the Monterey Peninsula 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 Monterey Peninsula College ("MPC") as a valuable community resource that provides an affordable education to local students who desire to learn job skills, basic skills, lifelong learning, and transfer to four-year universities; and

WHEREAS, since the costs of attending California's public universities has become so expensive, local families and students rely on MPC to provide affordable access to higher education; and

WHEREAS, 50% of all local high school graduates attend MPC for higher education and career training, particularly those lower and middle-income students who may not otherwise be able to afford the high price of a university; and

WHEREAS, MPC is a vital community and economic resource that educates the essential workers the community depends on, including nurses and healthcare professionals that serve our medical needs, the police, firefighters and first responders that keep us safe and the skilled workers who fuel our economy; and

WHEREAS, because of the changing economy, our classrooms and labs must be upgraded to provide students with up-to-date skills and modern technology that will allow for needed programs to keep our local economy strong; and

WHEREAS, MPC needs to keep computer and instructional technology up-to-date so students can take classes, listen to lectures, and complete assignments online and upgrade classrooms and career training facilities for science, technology, engineering, math and computer science; and

WHEREAS, many of MPC's buildings and instructional areas were built decades ago and some are now more than 70-years old, and need basic improvements such as removal of asbestos, and old lead pipes, repair of leaky roofs, old rusty plumbing, faulty electrical systems, and dry rotted beams, and upgrade of student safety and campus security systems; and

WHEREAS, inasmuch MPC serves thousands of military veterans, many of whom have recently returned from service, MPC needs to upgrade and expand the veterans support facilities which provide job training, job placement and support services to military veterans and their families; and

WHEREAS, the State does not provide the District with sufficient funding for the District to adequately maintain MPC's 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 career technical education training and facilitate transfer to four-year universities; and

WHEREAS, a local measure will update MPC's facilities to prepare students for jobs in business, hospitality, technology, nursing, paramedics and other healthcare professionals, first responders and law enforcement; 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 the District have 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 and veterans of all ages 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% 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, in the judgment of the Board, it is advisable to request the Registrar of Voters of Monterey County to call an election within the boundaries of the District 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; 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 3, 2020, and to request the Monterey County Registrar of Voters to perform certain election services for the District; and

NOW THEREFORE, THE BOARD OF TRUSTEES OF MONTEREY PENINSULA 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 the Monterey 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 \$230,000,000 (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 Superintendent/President, or designee of the Superintendent/President 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 requirements of law.

Section 2. That the date of the election shall be November 3, 2020.

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, safety, university transfer, enrollment trends, class size reduction and capacity ratios, class availability, information technology and the 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 types of 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 bona fide taxpayer association, One (1) member active in the support of MPC, such as a member of and advisory council or foundation; One (1) student at MPC and Two (2) at-large members. 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 Monterey County Registrar of Voters and the Monterey County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 3, 2020 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 Code Section 10418.

Section 7. That this Resolution shall stand as the "order of election" to the Monterey County Registrar of Voters to call an election within the boundaries of the District on November 3, 2020.

Section 8. That the Secretary of the Board is hereby directed to deliver an original or a certified copy of this Resolution to the Monterey County Registrar of Voters no later than August 7, 2020.

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 Monterey County Board of Supervisors is requested to permit their Registrar of Voters to render all services specified by Elections Code Section 10418, for which services the District agrees to reimburse Monterey County for 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.

Section 12. That the Board authorizes the Superintendent/President or his designee to enter into a professional services agreement with Stradling Yocca Carlson & Rauth, as bond counsel in connection with the matters authorized by this resolution.

ADOPTED, SIGNED AND APPROVED this 30th day of July, 2020.

BOARD OF TRUSTEES OF THE MONTEREY
PENINSULA COMMUNITY COLLEGE DISTRICT

By 
Board President

Attest:


Secretary

STATE OF CALIFORNIA
MONTEREY COUNTY

I, Mr. David Martin, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20:12 which was duly adopted by the Board of Trustees of the Monterey Peninsula Community College District at meeting thereof held on the 30th day of July 2020, and that it was so adopted by the following vote:

AYES: Yuri Anderson, Loren Steck, Rosalyn Gree, Marilyn Dunn Gustafson, Rick Johnson

NOES: none

ABSENT: none

ABSTENTIONS: none

By _____



Secretary

EXHIBIT A

“MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT AFFORDABLE HIGHER EDUCATION MEASURE. To repair/upgrade aging classrooms, career training facilities, deteriorating roofs, plumbing/electrical systems; remove hazardous materials; improve instructional technology; acquire, construct, repair sites, facilities, equipment improving student/veteran access to affordable, high-quality training in math, science, engineering, technology, shall Monterey Peninsula Community College District’s measure authorizing \$230,000,000 in bonds at legal rates, levying 1.8¢ per \$100 assessed valuation, \$12,900,000 annually while bonds are outstanding, be adopted, with citizen oversight, and all money locally controlled? ”

Bonds - Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT AFFORDABLE HIGHER
EDUCATION MEASURE
ELECTION November 3, 2020

“MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT AFFORDABLE HIGHER EDUCATION MEASURE. To repair/upgrade aging classrooms, career training facilities, deteriorating roofs, plumbing/electrical systems; remove hazardous materials; improve instructional technology; acquire, construct, repair sites, facilities, equipment improving student/veteran access to affordable, high-quality training in math, science, engineering, technology, shall Monterey Peninsula Community College District’s measure authorizing \$230,000,000 in bonds at legal rates, levying 1.8¢ per \$100 assessed valuation, \$12,900,000 annually while bonds are outstanding, be adopted, with citizen oversight, and all money locally controlled? ”

Bonds - Yes

Bonds – No

PROJECTS

The Board of Trustees of Monterey Peninsula College, to be responsive to the needs of its community, evaluated Monterey Peninsula College’s urgent and critical facility needs, and its capacity to provide students **access** to an **affordable education** and prepare them for success in local jobs, such as in healthcare, biotech and nursing. Job training classrooms and facilities for science, technology, engineering, math and computer science, safety issues, class size and offerings, and information and computer technology were each considered in developing the types of projects to be funded by this measure. In developing the types of projects described herein, **basic repairs** (such as **removing asbestos** and old **lead pipes**, repairing deteriorating electrical systems, repairing decaying drainage systems and leaking roofs), job training facilities, **student safety**, and the expansion of opportunities for local students to receive an **affordable, quality education**, were **prioritized**. If these facility needs are not addressed now, Monterey Peninsula College would be unable to remain competitive in preparing students for jobs in high demand industries and **transfer to four-year colleges and universities**.

The Board of Trustees determines that **Monterey Peninsula College MUST:**

- (i) **Repair or replace leaking roofs, old rusty plumbing, faulty electrical systems and dry rot beams;**
- (ii) **Stand ready to meet the demand of statewide emergencies.;**
- (iii) **Remove hazardous materials like asbestos and lead pipes from older buildings;**
- (iv) **Keep computer systems and instructional technology up-to-date;**
- (v) **Meet the needs of future labor force demands through training skilled workers;**

- (vi) **Improve access for students and veterans with disabilities;**
- (vii) **Improve technology so that students are able to take classes, listen to lectures, and complete assignments online.**

The types of projects which are authorized to be undertaken at all Monterey Peninsula College campuses and centers, include:

PROVIDE LOCAL STUDENTS ACCESS TO AN AFFORDABLE EDUCATION IN A SAFE ENVIRONMENT:

Basic Improvements Needed To Allow Monterey Peninsula College to Provide The Job Training Needed To Prepare Students For Good-Paying Local Jobs

Goals and Purposes:

Because the cost of attending the University of California and State University systems has become so expensive, many more students are starting their education at community colleges. This Measure will ensure local students have access to an affordable, high-quality education in the Monterey area.

Several of the Monterey Peninsula College buildings and instructional and support services facilities were built so long ago that they have asbestos, lead pipes, and do not meet proper earthquake safety standards. By law, these safety hazards need to be fixed, and this Measure will make that possible.

- Repair or replace leaky roofs, old rusty plumbing faulty electrical systems, and dry rotted beams, where needed.
- Remove hazardous materials like asbestos, and lead pipes from older buildings.
- Upgrade classrooms and labs to help local students complete the first two years of college affordably, and transfer to the Cal-State or University of California systems.
- Improve access for students and veterans with disabilities.
- Repair or replace outdated electrical, water and irrigation systems to improve energy efficiency and water conservation.
- Improve student safety and campus security systems, including, security lighting, security locks, emergency communication systems, smoke detectors and fire alarms.
- Retrofit older buildings to make them earthquake safe.

PROVIDE JOB TRAINING AND COLLEGE TRANSFER:

Classroom and Program Improvements Help Local Students, and Veterans Transfer to Four-Year Universities and Be Trained For Careers

Goals and Purposes:

Monterey Peninsula College is a vital resource for our community. It educates the nurses and healthcare professionals that serve our medical needs, the police, firefighters and first-responders that keep us safe, and the skilled workers who fuel the local economy.

Monterey Peninsula College ensures that lower and middle-income students who cannot afford the high price of a university still have the opportunity to succeed in college and careers.

Approximately 50% of all local high school graduates rely on Monterey Peninsula College for higher education and to prepare for careers.

- Upgrade classrooms and career training facilities for science, technology, engineering, math, and computer science instruction.
- Upgrade classrooms and career training facilities for healthcare, biotech, and nursing programs.
- Keep computer systems and instructional technology up-to-date.
- Modernize classrooms, career training facilities and equipment to keep pace with current industry standards and technology.
- Add classrooms and facilities to keep up with student demand and expand the number of courses and degrees offered.
- Make the computer and technology upgrades needed for students to be able to take classes, listen to lectures, and complete assignments online.

In addition to the listed types of projects stated above, the types of authorized projects of the measure also include the acquisition of a variety of instructional, maintenance and operational equipment, including interim funding incurred to advance fund projects and the refinancing of outstanding lease obligations, 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: renovate student and staff restrooms; replace aging electrical and plumbing systems; repair and replace heating, ventilation and air conditioning systems, including upgrading the central plant; install building management systems; plan, construct, acquire or contribute to affordable employee and student housing units; acquire vehicles and trucks; upgrade of facilities for energy efficiencies including the installation of solar panels or arrays or the installation of electric charging stations; repair and replace worn-out and leaky roofs, windows, walls, doors and drinking fountains; replace or remove outdated buildings and classrooms and construct new classrooms and support buildings; upgrade wiring and electrical systems to safely accommodate computers, technology, online education, and other electrical devices and needs; upgrade facilities to meet current environmental sustainability, State compliance standards and earthquake safety; repair and replace fire alarms, emergency communications and security systems; upgrade, resurface, replacing or relocate hard courts, tracks, fields, turf and irrigation systems; replace turf on athletic fields; upgrade classrooms; build new or renovate existing classrooms and facilities such as a public safety training center, classrooms and labs in the Marina and Seaside area to expand course offerings and degree programs, buildings, parking structures; upgrade or rebuild sports fields, gymnasiums and other athletic facilities; upgrade, resurface and recondition existing parking lots, roads

and sidewalks; improve vehicular access and circulation; improve drop-off zones; repair, upgrade and install interior and exterior lighting systems; replace water lines and valves and sewer lines; construct, upgrade, acquire or expand, multi-use classrooms and labs, expand and improve outdoor learning spaces, swing space, field lights, bleachers, press box, track replacement, collaborative office suites and administrative offices; improve water conservation and energy efficiency; acquire land; 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 to reflect better wayfinding, install electronic signage, bells and clocks; demolition of unsafe facilities; install or upgrade new security systems, such as security (surveillance) cameras, burglar alarms, handrails, outdoor lighting, fencing, landscaping, gates, gateways and classroom key cards/door locks; replace sewer lines and improve drainage systems to prevent flooding; upgrade roadway and pedestrian paths and pathways and bridges for improved safety and access for emergency vehicles, site parking, utilities and grounds. The upgrading of technology infrastructure includes, but is not limited to, upgrading classroom technology, expanding wireless internet access throughout all Monterey Peninsula College campuses, 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, expand District-wide computer data centers, acquisition and implementation of enterprise software systems and other miscellaneous IT and instructional equipment, DATA storage, fiber/copper infrastructure, phones, identity access cards and the construction and installation of a data center in the cloud for District's enterprise systems, such as resource planning, websites, domain name systems, cloud applications and information security.

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, staff training expenses, a customary contingency, and costs associated with the Total Cost of Ownership of facilities and equipment. The allocation of bond proceeds may be affected by 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 or decisions 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 budgets of projects or on the then current priorities of the District, certain of the projects described above may be delayed or may not be undertaken. 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. In addition to the listed types of projects stated above, the types of authorized projects of the measure also include the acquisition of a variety of instructional, maintenance and operational equipment. Necessary site preparation/restoration, including the acquisition and installation of temporary facilities (swing space) 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 types of projects and 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 Section 53410.

FISCAL ACCOUNTABILITY

This bond measure has strict accountability requirements including:

1. All money will benefit Monterey Peninsula College campuses and CANNOT BE TAKEN BY THE STATE.

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

3. Require TAXPAYER 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 college/school facilities, including the furnishing and equipping of college/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.