

1.2 Measure “C” Bond

In November, 2004, voters in Marin County overwhelmingly approved Measure C which provided \$249.5 million in funding to update, modernize, and retrofit the two community colleges serving County residents: Kentfield Campus and Indian Valley Campus.

1.2.1 Board of Trustees Resolution authorizing the Bond Measure

RESOLUTION NO. 2004-7-20-12a.

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

WHEREAS, the Board of Trustees (the “Board”) has determined that certain facilities and equipment within the Marin Community College District (the “District”), within Marin County (“Marin County”) need to be maintained, acquired, constructed, improved, equipped and furnished to enable the District to maintain both of its Kentfield and Indian Valley campuses as valuable community resources, to train and retrain local residents for higher-paying and skilled jobs, and to enhance the educational opportunities of the students in the District who desire to transfer to four-year colleges; and Citizen’s

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 College of Marin must act to maintain its campuses and provide a balance of job training and general education classes; and

WHEREAS, the Board has determined that the maintenance, modernization and replacement of worn-out classrooms, buildings, laboratories and instructional equipment; 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 need for pedestrian, cyclists, and disabled student access improvements; and the improvement of campus safety are also among the highest priorities of the Board; and

WHEREAS, notwithstanding ongoing efforts 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 the College of Marin’s campuses in Kentfield and Indian Valley for all their students; and

WHEREAS, Citizen’s (MCCD) Citizen’s Oversight Committee in the judgment of the Board, it is advisable to provide additional funding for such facility, technology, safety and accessibility needs by means of a general obligation bond; 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 which prohibit any bond money to be used for 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 2, 2004, and to request the Marin 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 the Marin 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 THE MARIN 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 the Marin 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 not to exceed \$249,500,000 (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 2, 2004.

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 teacher and administrator salaries and other college 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 get 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 of the 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.

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary

EXHIBIT A

College of Marin Job Training, Classroom Preservation, Environmental, Safety Improvement

Measure: “To provide affordable job training and four-year college preparation by using environmental building practices to improve science labs, classrooms, libraries, maintaining educational facilities, updating technology, wiring, improving energy efficiency, fire safety, campus security, disabled access, and repairing, constructing, acquiring, equipping classrooms, labs, sites, facilities, shall Marin Community College District issue \$249,500,000 in bonds, at legal rates, with **annual audits, citizen oversight**, no money for administrator salaries?”

Bonds - Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION

OF THE MARIN COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION NOVEMBER 2, 2004

The following is the full proposition presented to the voters of the Marin Community College District.

College of Marin Job Training, Classroom Preservation, Environmental, Safety Improvement

Measure: “To provide affordable job training and four-year college preparation by:

- Using environmental building practices to improve science labs, classrooms, libraries,
- Maintaining educational facilities,
- Updating technology, wiring,
- Improving energy efficiency, fire safety, campus security, disabled access,

and repairing, constructing, acquiring, equipping classrooms, labs, sites, facilities, shall Marin Community College District issue \$249,500,000 in bonds, at legal rates, with **annual audits, citizen oversight**, no money for administrator salaries?”

Bonds - Yes

Bonds – No

PROJECTS

The Board of Trustees of the Marin Community College District, to be responsive to the needs of students and the community, evaluated the District’s urgent and critical facility needs, including facility maintenance, safety issues, class offerings, energy cost reduction and information and computer technology. The District performed a Facilities Condition Assessment Study which showed that the District’s facilities were in the lowest 10% of all California community colleges. The District also held public meetings throughout Marin County over an 18-month period to identify community priorities, in

developing the scope of projects to be funded, as outlined in the District's Facilities Master Plan (the "Facilities Master Plan"), dated as of January 9, 2004 accepted by the Board of Trustees, incorporated herein, and as shall be further amended from time to time. In developing the scope of projects the students, faculty and staff have prioritized the key health and safety needs so the most critical needs and the most urgent and basic repairs that will make both campuses the clean and safe for learning are addressed and, in response to community concerns, scaled back the project list to use bond funds only for those projects which directly impact the quality of student learning. The Board conducted independent facilities evaluations and received public input and review in developing the scope of college facility projects to be funded, as listed in the Facilities Master Plan. This input of faculty and community leaders concluded that if these needs were not addressed now, the problems would only get worse. **In preparing the Facilities Master Plan the Board of Trustees made six important determinations:**

It is critically important that all improvements at the College of Marin contribute to the preservation of the local environment, reflect architecture which will be sustainable and fit within the character of the area, and contribute to the reduction of levels of Marin County traffic congestion;

College of Marin programs to embrace job training skills must emphasize career opportunities which will help improve the local economy;

College of Marin must provide affordable educational opportunities, facilities and classes for academic programs for students who want to transfer to four-year colleges;

College of Marin must upgrade job training classrooms to meet the demands of a changing workforce particularly with state-of-the-art wiring and infrastructure for computers and other multimedia;

College of Marin must help provide a better-educated workforce which will benefit local businesses and stimulate our economy through new classrooms, computer labs and job training programs;

College of Marin facility maintenance programs must emphasize energy efficiency to save future costs; and

(vii) College of Marin should employ "green building" techniques that are energy efficient, environmentally responsible and will pay for themselves over time.

The Facilities Master Plan is on file at the District's Office of the Superintendent/President, and includes the following projects:

COLLEGE OF MARIN-KENTFIELD CAMPUS

- **Modernize, Maintain, Equip, and/or Replace Kentfield Science Center, Obsolete Classrooms, Science and Computer Labs, Library, Instructional Facilities, Sites and Utilities; Meet Demands of Changing Workforce; Improve Accessibility for Disabled:**

Modernize science center 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, plumbing, sewer, drainage, electrical systems, wiring, unsanitary and run down bathrooms, heating, ventilation and cooling systems, telecommunication systems, classrooms, fields and grounds, science laboratories, technology center, student center, lecture halls, and other instructional facilities; wire classrooms for computers and technology, increase safety, increase energy efficiency, acquire equipment, reduce fire hazards, reduce operating costs so more classes and job training can be offered, improve academic instruction, and meet legal requirements for disabled access.

- **Technology Upgrades:**

Upgrade Internet access and cable technology; create “smart classrooms”; upgrade telecommunication systems; campus-wide technology upgrades, computers; replace outdated equipment.

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

- **Disabled Access; Safety Improvements; Asbestos Removal:**

Remove all harmful asbestos; upgrade existing fire alarms, sprinklers, smoke detectors, intercoms and fire doors; install security systems, exterior lighting, emergency lighting, signage, door locks and fences, erosion controls, repair uneven sidewalk and walkways, improve accessibility for the disabled.

- **Expand Classroom and Facility Capacity, Upgrade Classrooms/Labs For Nursing and Emergency Medical Services; Library-Research-Learning Center:**

Increase classroom and facility capacity for academic and job training classes, including math, nursing and medical training, science labs, child development, dental health, physical and health education facilities, graphic, fine and performing arts; facilities management center; library-research-learning resource center; construct “smart classrooms” for enhanced distance learning.

- **Refinance Existing Lease Obligations related to Classrooms and Facilities:**

This refinancing will save District expenses and increase funds available for student instruction.

- **Improve Emergency Access and Evacuation Routes:**

To improve student safety, improve campus road network and surfacing, improve pedestrian and bicycle safety and increase access for emergency vehicles.

COLLEGE OF MARIN – INDIAN VALLEY CAMPUS

- **Technology Upgrades:**

Provide state-of-the-art technology facilities, upgrade Internet access and cable technology; create “smart classrooms” to improve distance learning; upgrade telecommunication systems; campus-wide technology upgrades, computers; replace outdated equipment, wiring upgrades.

- **Repair, Upgrade, Equip, and/or Replace Obsolete Classrooms, Science and Computer Labs, Instructional Facilities, Sites and Utilities; Meet Demands of Changing Workforce:**

Repair, upgrade and/or replace leaky roofs, decaying walls, old ceiling tiles and flooring, plumbing, sewer, drainage, electrical systems, wiring, unsanitary and run down bathrooms, heating, ventilation and cooling systems, telecommunication systems, classrooms, fields and grounds, library, science laboratories, lecture halls, children’s center, and other instructional facilities; wire classrooms for computers and technology, increase safety, increase energy efficiency, acquire equipment, reduce fire hazards, reduce operating costs so more classes and job training can be offered, improve academic instruction, and meet legal requirements for disabled access.

- **Improve Emergency Access and Evacuation Routes; Improve Access for Disabled:**

To improve student safety, improve campus road network to eliminate unsafe conditions, improve pedestrian and bicycle safety and increase access for emergency vehicles; link parking areas; provide improved disabled access.

- **Safety Improvements; Asbestos Removal:**

Remove all harmful asbestos; upgrade existing gas lines, pipes, fire alarms, sprinklers, smoke detectors, intercoms and fire doors; install security systems, exterior lighting, emergency lighting, signage, door locks and fences, erosion controls, repair uneven sidewalk and walkways, to comply with the needs of disabled students.

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

- **Upgrade and Modernize Classrooms, Science Labs and Facilities:**

Upgrade the capacity for academic and job training classes, including basic education class such as math and English, science labs, fine arts, classrooms, conference rooms and labs.

- **Classrooms for University Center/Educational Park:**

Create an university center/education park with San Francisco State University and other educational partners to allow students to pursue a B.A. and other advanced degrees.

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, and a customary contingency for unforeseen design and construction costs. The allocation of bond proceeds 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 will be delayed or may not be completed. In such case, bond money will be spent on only the most essential of the projects listed above.

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.

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 FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF COLLEGE FACILITIES, AND NOT FOR ANY OTHER PURPOSE, INCLUDING TEACHER AND ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES. BY LAW, ALL FUNDS CAN ONLY BE SPENT ON REPAIR AND IMPROVEMENT PROJECTS.