

RESOLUTION NO. 2006-02

RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
ORDERING AN ELECTION, AND ESTABLISHING  
SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the "Board") has determined that certain properties and facilities within the Foothill-De Anza Community College District (the "District"), within Santa Clara County ("Santa Clara County"), need to be maintained, acquired, constructed, improved and furnished and that equipment needs to be purchased to enable the District to maintain both Foothill College and De Anza College campuses as valuable community resources, to train and retrain local residents for higher-paying and skilled jobs, and to enhance educational opportunities for the students in the District who desire to transfer to four-year institutions; 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 the Foothill-De Anza Community College District must act to maintain their campuses and provide a balance of job training and general education classes; and

WHEREAS, the Board has determined that the modernization and replacement of deteriorated 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 enhancement of access for disabled students; and the improvement of campus safety 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 Foothill College and De Anza College for students; and

WHEREAS, after much consideration, discussion and public input, the Board has prioritized its most immediate and critical facilities and equipment needs; 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, 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 of California, 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 June 6, 2006, and to request that the Santa Clara 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 Santa Clara 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 FOOTHILL-DE ANZA 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 Santa Clara 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 \$490.8 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 June 6, 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 only be used for the purposes set forth in the ballot measure and not for any other purpose, including teacher or administrator salaries or 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 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 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 5. That the authority for the specifications of this election order is contained in Section 5322 of the Education Code.

Section 6. That the Santa Clara County Registrar of Voters and the Santa Clara 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 7. That this Resolution shall stand as the "order of election" to the Santa Clara County Registrar of Voters to call an election within the boundaries of the District on June 6, 2006.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the Santa Clara County Registrar of Voters no later than February 27, 2006.

Section 9. 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 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 Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Santa Clara are requested to permit the Registrar of Voters of Santa Clara 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 Santa Clara 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 21st day of February, 2006.

BOARD OF TRUSTEES OF THE FOOTHILL-  
DE ANZA COMMUNITY COLLEGE DISTRICT

By \_\_\_\_\_  
Board President

Attest:

\_\_\_\_\_  
Secretary

STATE OF CALIFORNIA    )  
  )ss  
SANTA CLARA COUNTY    )

I, Martha J. Kanter, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2006-02, which was duly adopted by the Board of Trustees of the Foothill-De Anza Community College District at the meeting thereof held on the 21st day of February, 2006, and that it was so adopted by the following vote:

AYES:                    5  
NOES:                    0  
ABSENT:                 0  
ABSTENTIONS:        0

By \_\_\_\_\_  
Secretary

EXHIBIT A

**Foothill-De Anza College Repair/Job Training Measure:** “To repair/upgrade Foothill and De Anza Colleges, improve job training/university transfer,

- Upgrade electrical, heating, ventilation systems, fire/seismic safety,
- Repair leaky roofs,
- Improve disabled access,
- Repair/expand classrooms for nurses/paramedics,
- Upgrade technology,
- Repair, construct, acquire, equip buildings, classrooms, libraries, sites, science/computer labs, shall Foothill-De Anza Community College District issue \$490.8 million in bonds, at legal rates, with mandatory audits, citizen oversight and no money for administrators’ salaries?”

Bonds - Yes

Bonds – No

EXHIBIT B  
FULL TEXT BALLOT PROPOSITION  
OF THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT  
BOND MEASURE ELECTION JUNE 6, 2006

**Foothill-De Anza College Repair/Job Training Measure:** “To repair/upgrade Foothill and De Anza Colleges, improve job training/university transfer,

- Upgrade electrical, heating, ventilation systems, fire/seismic safety,
- Repair leaky roofs,
- Improve disabled access,
- Repair/expand classrooms for nurses/paramedics,
- Upgrade technology,
- Repair, construct, acquire, equip buildings, classrooms, libraries, sites, science/computer labs, shall Foothill-De Anza Community College District issue \$490.8 million in bonds, at legal rates, with mandatory audits, citizen oversight and no money for administrators’ salaries?”

**Bonds - Yes**

**Bonds – No**

**PROJECTS**

The Board of Trustees of the Foothill-De Anza 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, in developing the scope of projects to be funded, as outlined in both the District’s Foothill College Facility Master Plan, as updated in October 2002, as amended in February 2006, and as shall be amended from time to time, and the De Anza College Facility Master Plan, as updated in October 2002, as amended in February 2006, and as shall be amended from time to time (together, the “Facilities Master Plan”), as well as the District’s Information Technology Strategic Plan 2005-2010, represented to the Board on January 17, 2006, and as shall be amended from time to time, and the District’s Renovation Master Plan, as presented to the Board on February 6, 2006, and as shall be amended from time to time. 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 repairs that will make both campuses 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, as listed in the Facilities Master Plan, the Information Technology Strategic Plan and the Renovation 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 Information Technology Strategic Plan and the Renovation Master Plan, the Board of Trustees made five important determinations:**

- (i) **Foothill-De Anza Community College District must upgrade and expand inadequate facilities to address increased student demand for classes;**
- (ii) **In tough economic times, both Foothill College and De Anza College must provide programs to train people who need to acquire or upgrade job skills;**
- (iii) **Foothill College and De Anza College must provide affordable educational opportunities, adequate facilities and classes for academic programs for students who want to transfer to four-year colleges;**
- (iv) **Foothill-De Anza Community College District must upgrade classrooms and labs so that they are safe from asbestos and other hazards and meet the standards of a modern curriculum; and**
- (v) **Foothill-De Anza Community College District must upgrade its old buildings to provide energy efficient electrical systems for today's technology systems and upgrade campus lighting for increased safety and security on campus.**

The Facilities Master Plan, the Information Technology Strategic Plan and the Renovation Master Plan are on file and available for review at the District Chancellor's Office and Public Information Office, as well as at the offices of the Presidents of Foothill College and De Anza College, and include the projects listed below.

## **FOOTHILL COLLEGE**

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

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, plumbing, sewer and drainage systems, inefficient electrical systems and wiring, deteriorated restrooms, heating, ventilation and cooling systems, foundations, telecommunications systems, classrooms, lecture halls, language labs, fields, courts and grounds, science and other instructional laboratories and healthcare workforce facilities, technology center, theatre, library, administrative facilities, public safety, records and counseling buildings and other instructional facilities, wire classrooms for computers and other technology, increase energy efficiency, acquire 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.

- **Upgrade Technology:**

Provide state-of-the-art technology facilities, upgrade Internet access and wireless and cable technology, build "smart classrooms" to improve technology-enhanced learning, upgrade telecommunications systems, upgrade campus-wide technology, including a new Educational Information System, replace outdated computers, replace network infrastructure equipment, and install wiring upgrades.

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

**Access and Communications Systems, Install Solar Panels to Reduce Energy Consumption and Utility Bills**

- **Improve Safety and Disabled Access; Remove Asbestos:**

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

- **Expand Classroom and Facility Capacity, Construct Science Center, Upgrade Classrooms/Labs For Nursing and Emergency Medical Services:**

Increase permanent classroom and facility capacity for academic and job training classes, including math and health care programs, upgrade science labs, physical and health education, and applied arts and sciences facilities, upgrade campus technology, and construct “smart classrooms” to improve technology-enhanced learning.

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

Improve campus road network and surfacing, build parking structure, reduce gridlock, improve pedestrian safety and increase access for emergency vehicles.

**DE ANZA COLLEGE**

- **Upgrade Technology:**

Provide state-of-the-art technology facilities, upgrade Internet access and wireless and cable technology, build “smart classrooms” to improve technology-enhanced learning, upgrade telecommunication systems, upgrade campus-wide technology, including a new Educational Information System, replace outdated computers, replace network infrastructure equipment, and install wiring upgrades.

- **Repair, Upgrade, Equip, and/or Replace Obsolete Classrooms, Science, Nursing, Computer and Instructional Laboratories and Other Facilities, Sites and Utilities**

Repair, upgrade and/or replace leaky roofs, decaying walls, old ceiling tiles and flooring, plumbing, sewer, and drainage systems, inefficient electrical systems and wiring, deteriorated restrooms, heating, ventilation and cooling systems, telecommunications systems, data center, bookstore, foundations, fields and grounds, library, classrooms, lecture halls, science, engineering and other laboratories, physical and healthcare workforce education and auto technology facilities, television studio and other faculty, administrative and instructional facilities, corporation yard, and multicultural center, wire classrooms for computers and technology, upgrade Campus Center, increase safety, increase energy efficiency, acquire equipment, reduce fire hazards, reduce operating costs in order for more classes and job training to be offered, improve academic instruction, and meet legal requirements for disabled access.

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

Improve student safety, improve campus road network to eliminate unsafe conditions, reduce gridlock, improve pedestrian safety and increase access for emergency vehicles, upgrade parking garage and parking areas, improve disabled access, add parking structure to accommodate increasing student population and reduce congestion.

- **Improve Safety and Disabled Access; Remove Asbestos; Perform Seismic Upgrades:**

Remove all harmful asbestos, upgrade existing gas lines, pipes, sewer system, storm drains, fire alarms, sprinklers, smoke detectors, intercoms and fire doors, install security systems, exterior lighting, emergency lighting, signage, door locks and fences, repair uneven sidewalk and walkways, upgrade facilities for seismic safety.

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

- **Construct Academic Facilities to Expand Classroom and Laboratory Capacity:**

Increase permanent classroom, laboratory space and facility capacity for academic and job training classes, including math, science, student support services, instructional labs, physical and health education and applied arts and sciences, campus technology, construct “smart classrooms” for enhanced learning.

## **DISTRICT-WIDE PROJECTS**

- **Provide greater access to technology; upgrade electrical wiring, Internet access, wireless and cable technology, fiber optics and network infrastructure for computers and telecommunication systems at both Foothill College and De Anza College campuses.**
- **Refinance existing lease obligations.**
- **Acquire property for new education center to accommodate growing population and to better serve new populations in the District.**
- **Build data center to support new District-wide computer and technology systems and integrate with renovated central office facility.**

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 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 may 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 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 ADMINISTRATOR SALARIES. PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED BY THIS PROPOSITION 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. BY LAW, ALL FUNDS CAN ONLY BE SPENT ON REPAIR AND  
I M P R O V E M E N T PROJECTS

