RESOLUTION OF THE BOARD OF TRUSTEES
SANTA BARBARA COMMUNITY COLLEGE DISTRICT

RE: 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 Santa Barbara Community College District (the “District”) need to be maintained, constructed, improved, furnished and certain equipment acquired to enable Santa Barbara City College to continue to provide affordable, local higher education, 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 universities; and

WHEREAS, the Board, after completing a District-wide comprehensive facilities needs assessment, has determined that the modernization and replacement of deteriorated classrooms, buildings, laboratories and instructional equipment and the construction of new classrooms and labs to train students in new technologies and prepare for jobs of the future; the renovation or conversion of existing space to expand nursing and health care programs, and other career, vocational and continuing education training programs; the provision of state-of-the-art computer technology; the installation of fire detection and safety equipment; the improvement of plumbing, electrical, lighting and ventilation in existing classrooms for water and energy conservation and long-term cost savings; the enhancement of access for disabled students; asbestos, lead and hazardous materials removal; seismic strengthening, and the improvement of facilities to provide students with more course options close to their homes, are 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 expand Santa Barbara City College for students; and

WHEREAS, if the District passed a local general obligation, the Board believes that the District would be eligible for over $92 million of additional State matching funds for District facility improvements; and

WHEREAS, after much consideration, discussion and public input, the Board has approved the Santa Barbara Community College District 2008 Long-Term Facilities Plan (the “Facilities Plan”) which sets forth not only the long range strategy plans for Santa Barbara City College, but also prioritizes 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 as described in the Facilities Plan 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, Section 9400 *et seq.* of the Elections Code of the State of California (the “Elections Code”) requires that a tax rate statement be contained in all official materials, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, the Board now desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election; 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 3, 2008, and to request that the Santa Barbara 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 Barbara 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 SANTA BARBARA 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 Barbara 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 $77,242,012 (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 3, 2008.

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 operating expenses;
(b) that the Board, in establishing the projects set forth in Exhibit “B,” evaluated the instructional, 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 Barbara County Registrar of Voters and the Santa Barbara County Board of Supervisors, are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 3, 2008 within the District.

Section 7. That this Resolution shall stand as the “order of election” to the Santa Barbara County Registrar of Voters to call an election within the boundaries of the District on June 3, 2008.

Section 8. That the Secretary of the Board is hereby directed to deliver an original or a certified copy of this Resolution to the Santa Barbara County Registrar of Voters no later than January 31, 2008.

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. That pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Santa Barbara County is requested to permit the Santa Barbara County Registrar of Voters 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 Barbara County, such services to include the publication of a Formal Notice of College 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 24th day of January, 2008.

Board of Trustees of the Santa Barbara Community College District

By _________________________________

Board President

Attest:

____________________________________

Secretary/Clerk

STATE OF CALIFORNIA )

) SANTA BARBARA COUNTY)

I, John Romo, do hereby certify that the foregoing is a true and correct copy of Resolution No. 24, which was duly adopted by the Board of Trustees of the Santa Barbara Community College District at the meeting thereof held on the 24th day of January, 2008, and that it was so adopted by the following vote:

Ayes:

Noes:

Absent:

Abstentions:

By _________________________________

Secretary/Clerk to the Board of Trustees of the Santa Barbara Community College District
EXHIBIT A

“Santa Barbara City College Improvement Measure. To maintain quality, affordable, local higher education at Santa Barbara City College,

- Improve academic facilities for students transferring to four-year colleges,
- Improve academic facilities for nursing, health care, job training and other careers,
- Renovate aging classrooms, upgrade/construct facilities and acquire equipment,
- Upgrade energy efficiency/sustainability and disabled persons’ access,

shall Santa Barbara Community College District issue $77,242,012 in bonds, at legal rates, qualify for State matching funds, appoint a Citizens’ Oversight Committee?”

Bonds - Yes               Bonds - No
EXHIBIT B
FULL TEXT BALLOT PROPOSITION
OF THE SANTA BARBARA COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION JUNE 3, 2008

“Santa Barbara City College Improvement Measure. To maintain quality, affordable, local higher education at Santa Barbara City College,

• Improve academic facilities for students transferring to four-year colleges,
• Improve academic facilities for nursing, health care, job training and other careers,
• Renovate aging classrooms, upgrade/construct facilities and acquire equipment,
• Upgrade energy efficiency/sustainability and disabled persons’ access,

shall Santa Barbara Community College District issue $77,242,012 in bonds, at legal rates, qualify for State matching funds, appoint a Citizens’ Oversight Committee?”

Bonds - Yes  Bonds - No

The Board of Trustees of the Santa Barbara Community College District, to be responsive to the needs of students and the local community, has evaluated the District’s urgent and critical facility needs, including providing functional classrooms and labs to continue to offer high quality higher education courses and career programs to students, as well as campus health and safety issues, class size and offerings, energy cost reduction and information and computer technology. The scope of projects to be funded based on that evaluation are outlined in the Santa Barbara Community College District Long-Term Facilities Plan, approved by the Board on January 24, 2008, incorporated herein in its entirety. In developing the scope of projects to be funded based on that evaluation are outlined in the Santa Barbara Community College District Long-Term Facilities Plan, approved by the Board on January 24, 2008, incorporated herein in its entirety. In developing the scope of projects to be funded, as listed in the Facilities Plan. This input of faculty, staff, students and community leaders concluded that if these needs are not addressed now, Santa Barbara City College would not be able to continue to provide an affordable, high quality, local source of higher education for the community. In implementing the Facilities Plan, the Board of Trustees determines that Santa Barbara City College must take every available step to:

• Preserve access to a high-quality affordable local education and career training programs to meet the changing needs of local residents.
• Provide instructional facilities where recent high school graduates and adults can receive education in a broad range of subjects.
• Provide critically important re-training to persons who want to expand their job skills as well as prepare students to transfer to four-year colleges and universities.
• Upgrade its infrastructure to generate long-term water and energy conservation and cost savings.
• Apply aggressively for State matching funds of approximately $92 million to pay for the majority of needed campus improvements.
The Facilities Plan is on file and available for review at the District President’s Office and includes the type of projects listed below.

**SANTA BARBARA CITY COLLEGE PROJECTS**

- **Repair, Upgrade, and/or Replace Obsolete Classrooms, Science and Computer Labs, Instructional Facilities, Sites and Utilities for Safety and Energy Efficiency and Sustainability:**
  
  Repair, upgrade and/or replace deteriorating plumbing, electrical systems, wiring, unsanitary and run down bathrooms, leaky roofs, windows, inadequate doors, heating, ventilation and cooling systems, fix rusty structures and eliminate power outages, upgrade security systems, science laboratories and other instructional facilities; wire for computers and upgrade classroom technology; increase safety, increase energy efficiency, reduce fire hazards, reduce operating costs so more classes and job training can be offered, improve academic instruction; meet legal requirements for disabled access, remove hazardous asbestos, apply green building guidelines to improve energy efficiency and promote a sustainable healthy learning environment.

- **Upgrade, Convert, Build and/or Expand Classroom Buildings and Facilities to Maintain Affordable, Local Higher Education:**
  
  Modernize and expand classrooms for academic classes and career training, including nursing, nursing aides, emergency medical technicians, radiologists, and other health career programs, emergency service workers, English, literacy skills, math, reading, physical sciences, laboratories, technology and information management and district-wide technology support, administrative facilities, academic and career counseling, college transfer, job training/placement, career skills center for adult education students, a high tech center, including technology-based instruction for computer science, media arts, math, automotive technology, culinary, business and engineering science, visual and performing arts classrooms and labs, lecture/meeting/faculty/seminar rooms, physical and workforce education facilities, expand computer access.

- **Technology Upgrades/Computer Centers:**
  
  Expand technology and computer capacity with high-speed Internet access and computer technology, create “smart classrooms” to improve teaching and learning; upgrade software, computer and technology infrastructure and campus-wide technology; provide software training; replace outdated equipment.

- **Improve Campus Safety:**
  
  Remove all harmful asbestos, lead and other hazardous materials; upgrade or add fire alarms, sprinklers, smoke detectors, intercoms and fire doors; install security systems, exterior lighting, emergency lighting, door locks and fences, improve pedestrian safety, remove uneven sidewalks and walkways, remove barriers to access, as necessary.

- **Repair, Replace and Upgrade Aging Electrical and Mechanical Systems to Reduce Energy Consumption and Utility Bills.**
  
  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, construction program management, and a customary contingency for unforeseen design and construction costs. In addition to the listed repair and construction projects stated above, the Projects also include the payment of the costs of preparation of all facility planning, facility assessment reviews, environmental studies and construction documentation, and temporary housing of dislocated District...
activities caused by bond projects. The allocation of bond proceeds may be affected by the District’s receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will aggressively pursue to reduce the District’s share of the costs of the projects, the District may not be able to complete some of the projects listed above. Certain projects may be undertaken as joint use projects in cooperation with other local public 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 will be determined as plans are finalized, construction bids are awarded and projects are completed. Based on the final costs of each project or the pace of student enrollment, certain of the projects described above may be delayed or may not be completed. Necessary site preparation/restoration 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, redirecting fire access, and acquiring any necessary easements, licenses, or rights of way to the property. Bond proceeds shall only be expended for the specific 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 § 53410.

**FISCAL ACCOUNTABILITY.** IN ACCORDANCE WITH EDUCATION CODE SECTION 15272, THE BOARD OF TRUSTEES WILL APPOINT A CITIZENS’ OVERSIGHT COMMITTEE AND CONDUCT ANNUAL INDEPENDENT AUDITS TO ASSURE THAT FUNDS ARE SPENT ONLY ON DISTRICT PROJECTS AND FOR NO OTHER PURPOSE. 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 COLLEGE ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES.