

RESOLUTION NO. 07-15

RESOLUTION OF THE BOARD OF TRUSTEES OF THE NAPA VALLEY 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 Napa Valley Community College District (the "District"), within Napa County and Sonoma County, need to be maintained, acquired, constructed, improved, furnished and equipped to enable Napa Valley College in Napa and through its outreach facilities and its Upper Valley Campus in St. Helena to provide affordable, local higher education, to train and retrain local residents for higher-paying and skilled jobs in the health care, information technology, criminal justice, viticulture and winery technology and alternative energy professions, and to enhance educational opportunities for the students in the District who desire to transfer to four-year universities; and

WHEREAS, due to the growing community demands for affordable education and vocational training opportunities Napa Valley College must act to maintain and expand its campuses and provide a balance of job training, particularly in healthcare and information technology, and general education classes close to the homes of its students; and

WHEREAS, the Board, after completing a District-wide comprehensive facilities need assessment, has determined that the updating of outdated equipment and labs for training students for high-paying jobs in health care, alternative energy, and information technology, training more nurses to meet California's nursing shortage, installing additional solar panels and other alternative energy mechanisms to increase energy efficiency and save money, fixing deteriorating roofs, damaged drainage systems, maintaining and upgrading Internet access and improving computer technology in classrooms, and improving access for students and members of the community with disabilities 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 Napa Valley College; and

WHEREAS, after much consideration, discussion and public input, the Board has approved the Napa Valley College Facilities Master Plan (the "Master Plan") which sets forth not only the long range strategy plans for Napa Valley 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 Master 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

NOV - 7 2007

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 tax rate statement and 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 February 5, 2008, and to request that the Napa County Registrar of Voters and the Sonoma 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 Napa County Registrar of Voters and the Sonoma 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 NAPA VALLEY COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 and Government Code Section 53506, hereby requests the Napa County Registrar of Voters and the Sonoma 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 \$178.4 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 February 5, 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 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 Napa County Registrar of Voters and the Napa County Board of Supervisors, the Sonoma County Registrar of Voters and the Sonoma County Board of Supervisors, are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on February 5, 2008 within the District.

Section 7. That this Resolution shall stand as the "order of election" to the Napa County Registrar of Voters and the Sonoma County Registrar of Voters to call an election within the boundaries of the District on February 5, 2008.

Section 8. That the Secretary of the Board is hereby directed to deliver an original or a certified copy of this Resolution to each of the Napa County Registrar of Voters and the Sonoma County Registrar of Voters no later than November 9, 2007.

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 each of Napa County and Sonoma County is requested to permit their respective 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 each 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 5th day of November, 2007.

BOARD OF TRUSTEES OF THE NAPA
VALLEY COMMUNITY COLLEGE DISTRICT

By 
Board President

Attest:


Secretary

STATE OF CALIFORNIA)
)
NAPA COUNTY)

I, Christopher McCarthy, do hereby certify that the foregoing is a true and correct copy of Resolution No. 07-15, which was duly adopted by the Board of Trustees of the Napa Valley Community College District at the meeting thereof held on the 5th day of November, 2007, and that it was so adopted by the following vote:

AYES: Baldini, Ketrone, Meng, Busenbark, Andrews, Reinbolt, Knight, Adams

NOES:

ABSENT:

ABSTENTIONS:

By 
Secretary to the Board of Trustees of Napa Valley
Community College District

EXHIBIT A

"Napa Valley College Higher Education/Career Training Measure. To provide affordable, local higher education and career training in nursing, health care, information technology and public safety, fix deteriorating roofs, increase solar energy use to reduce costs, improve disabled access, upgrade wiring for technology, repair, construct, acquire, equip classrooms, sites, facilities, shall Napa Valley Community College District issue \$178,400,000 of bonds at legal rates, appoint a citizens' oversight committee, and require annual audits, with no money for administrators' salaries?"

Bonds - Yes

Bonds – No

EXHIBIT B
FULL TEXT BALLOT PROPOSITION
OF THE NAPA VALLEY COMMUNITY COLLEGE DISTRICT
BOND MEASURE ELECTION FEBRUARY 5, 2008

“Napa Valley College Higher Education/Career Training Measure. To provide affordable, local higher education and career training in nursing, health care, information technology and public safety, fix deteriorating roofs, increase solar energy use to reduce costs, improve disabled access, upgrade wiring for technology, repair, construct, acquire, equip classrooms, sites, facilities, shall Napa Valley Community College District issue \$178,400,000 of bonds at legal rates, appoint a citizens’ oversight committee, and require annual audits, with no money for administrators’ salaries?”

Bonds - Yes

Bonds – No

PROJECTS

The Board of Trustees of the Napa Valley Community College District, to be responsive to the needs of students and the community, evaluated the District’s urgent and critical facility needs, including providing sufficient classrooms and labs to offer more courses and programs to students who desired training in high-paying professional jobs, safety issues, class size and offerings, alternative energy sources, energy cost reduction and information and computer technology, in developing the scope of projects to be funded, as outlined in the Napa Valley College District Facilities Master Plan – Bond Implementation Projects, last revised on October 3, 2007, and incorporated herein in its entirety. In developing the scope of projects, the faculty, staff, students and community members have prioritized the key job training requirements for local students so that the most critical needs and the most urgent and basic service needs of the community 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. This input of faculty and community leaders concluded that if these needs were not addressed now, Napa Valley College would not be able to offer state-of-the-art training for jobs in emerging growth industries and university transfer. **In implementing the Facilities Master Plan, the Board of Trustees determines that Napa Valley Community College District must:**

- **Expand facilities for the nursing program which has doubled in size to help address California’s nursing shortage.**
- **Remain a resource for the community providing training for students who need higher-paying or skilled jobs.**
- **Expand classrooms and labs and upgrade equipment that provide immediate job training for critical professions such as nurses, emergency medical assistants, other health training programs and high-paying jobs in critical emerging growth areas such as information technology and alternative energy.**

- Due to the high costs of the University of California, California State University, Napa Valley College must provide a high-quality affordable education that average families can afford and who might otherwise be denied the opportunity to receive training for higher-paying or skilled jobs or a college education.
- Expand the solar electric generating system which provides 30% of campus electricity needs and over \$200,000 per year in energy costs savings.

The Facilities Master Plan – Bond Implementation Projects is on file and available for review at the District Superintendent/ President’s Office and includes the type of projects listed below.

VOCATIONAL AND TECHNICAL CAREER TRAINING PROJECTS

- Provide **additional facilities for nursing training** and other professions that will allow Napa Valley College to **increase the number of trained nurses**, nursing assistants, paramedics, emergency medical technicians, and respiratory therapists, and help **relieve the serious shortage of healthcare professionals in the California.**
- **Build** a new facility to provide state-of-the-art **Alternative Energy Lab**, along with classrooms, digital design lab and broadcast TV labs for college and community use.
- **Provide public safety training classrooms to train police officers**, prison guards, correctional officers, and other public safety personnel in administration of justice, technology, and police officer standards, satisfy the requirements of the Uniform Plumbing Code to provide additional restrooms as a condition of increasing enrollment in public safety programs.
- Build new classrooms or upgrade existing labs for **job training** (including, machine shop and welding) and retraining, workforce preparation and skills upgrading.
- Renovate facilities, labs and classrooms for chemistry and health sciences.

CLASSROOM BUILDINGS AND FACILITIES

- Upgrade community education building to current safety standards.
- Build and acquire college classrooms, facilities and sites to accommodate more students who want to enroll in classes and improve the quality of learning and expand academic and workforce learning opportunities, including an off-campus environmental center and amphitheater. Renovate and upgrade classrooms, buildings and facilities available to students working toward a four year college degree. Renovate or construct athletic facilities, fields and classrooms for safety, efficiency, and expanded enrollment. **Upgrade laboratories for science, health occupation and technology programs.** Upgrade classrooms and facilities to train teachers, student center, business education, health services, life science and physical science facilities.
- Wire classrooms and buildings to increase the uses of technology, computers and high speed Internet access for teaching including enhancement of distance learning.
- Build or expand academic classroom facilities and increase classes in math, English, fine and performing arts and languages.
- Expand facilities for job training and college transfer counseling including academic studies, humanities, student activities, computer and technology studies; campus police and student health, labs for performing arts, administrative facility, and academic classrooms.

HEALTH AND SAFETY PROJECTS

- **Repair drainage system and aging, deteriorating roofs.**
- Remove landfill material on campus and clean areas of construction waste and any hazardous materials.
- Reduce earthquake risks by completing seismic retrofitting of older buildings, as necessary.
- Expand covered walkways.
- Improve facilities and sites to meet legal requirements for disabled persons access.
- Expand restroom facilities throughout campus.
- Restore campus wetlands.

SITE SAFETY AND SECURITY PROJECTS

- Improve pedestrian access routes across campus for safety.
- Improve campus safety and security by adding exterior lighting.
- Implement safety upgrades to relieve traffic flow (Imola Avenue entry and exit), emergency vehicle access and parking congestion, build parking facilities and upgrade parking lots.
- Install campus-wide emergency messaging system and fire alarm signal cabling.
- Repair or replace outdated natural gas, water, sewer, storm drain systems, as necessary.

ENERGY EFFICIENCY PROJECTS

- **Expand use of solar panels to reduce energy costs both on Napa Campus and at Upper Valley Campus.**
- Install wind generators to capture additional low-cost energy.

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. In addition to the listed repair and construction projects stated above, the Projects also include the facilities, 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, the final costs of each project and the growth in enrollment at the colleges. 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. Project details in the Facilities Master Plan – Bond Implementation Projects may change or be modified as actual projects are designed. 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. 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. 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. 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 the bond projects. 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 SCHOOL ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES.

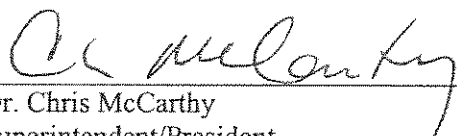
**Tax Rate Statement
Napa Valley Community College District
Bond Measure**

An election will be held in the Napa Valley Community College District (the "District") on February 5, 2008, for the purpose of submitting to the electors of the District the question of issuing bonds of the District in a principal amount not to exceed \$178.4 million. If such bonds are authorized and sold, the principal thereof and interest thereon will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information regarding tax rates is given to comply with Section 9401 of the California Elections Code. Such information is based upon the best estimates and projections presently available from official sources, upon experience with the District, and other demonstrable factors.

Based upon the foregoing and projections of the District's assessed valuation, and assuming the entire debt service will be paid through property taxation:

1. The best estimate of the tax rate that would be required to be levied to fund the bond issue during the first fiscal year after the sale of the first series of bonds based on estimated assessed valuations available at the time of filing of this statement is 1.985 cents per \$100 of assessed valuation (or \$19.85 per \$100,000 of assessed valuation) for fiscal year 2008-09.
2. The best estimate of the tax rate that would be required to be levied to fund the bond issue during the first fiscal year after the sale of the last series of bonds based on estimated assessed valuations available at the time of filing of this statement is 1.985 cents per \$100 of assessed valuation (or \$19.85 per \$100,000 of assessed valuation) for fiscal year 2012-13.
3. The best estimate of the highest tax rate that would be required to be levied to fund the bond issue, and an estimate of the years in which that rate will apply, based on estimated assessed valuations available at the time of the filing of this statement is again 1.985 cents per \$100 of assessed valuation (or \$19.85 per \$100,000 of assessed valuation), which is projected to be the same in every fiscal year that the bonds remain outstanding.

Attention to all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which are not binding upon the District. The actual timing of bond sales and the amount of bonds sold at any given time will be governed by the needs of the District, the state of the bond market, and other factors. The actual interest rates on any bonds sold will depend upon market conditions and other factors at the time of sale. The actual assessed valuations in future years will depend upon the value of property within the District as determined in the assessment and equalization process. Therefore, the actual tax rates and the years in which such rates are applicable may vary from those presently estimated as stated above.



Dr. Chris McCarthy
Superintendent/President
Napa Valley Community College District