

RESOLUTION NO. 22-0810A

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

WHEREAS, the Board of Trustees (the “Board”) of the Cerritos 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 Cerritos College as valuable community resources that provide an affordable education to local students and veterans who desire to learn well-paying job skills and transfer to four-year universities; and

WHEREAS, since the costs of attending California’s public universities has risen to at least six times that of attending a community college, more local students are relying on community colleges, such as Cerritos College, and the high quality, affordable college options they each provide; and

WHEREAS, in today’s tough economic times and competitive job environment, the District must continue providing important job training and education for local residents entering the workforce for new professions, particularly in nursing, engineering, science and computer technology, and increase the opportunities for local students to earn college credits, certifications and job skills in emerging industries at an affordable price; and

WHEREAS, since a number of the science and engineering labs at Cerritos College were built decades ago, they lack the infrastructure needed to provide a modern education in health care, science, math, technology, and engineering and Cerritos College needs to replace outdated electrical wiring, expand science, computer and engineering labs, and update instructional technology to ensure students are prepared competitively for a 21st century career; and

WHEREAS, the State is not providing the District with enough money for the District to adequately maintain its educational facilities and academic programs; and

WHEREAS, the Board has caused a Facilities Master Plan (“FMP”) to be prepared and has evaluated the essential facility needs of Cerritos College; and

WHEREAS, the FMP is designed to provide facilities which will serve current and expected enrollment, but in the event of an unexpected slowdown in development or enrollment of students at Cerritos College, certain of the projects described in the FMP will be delayed or may not be completed and in such case, bond money will be spent on only the most essential of the projects listed below; 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 permit the District to ensure a healthy work and study environment by repairing deteriorating gas, electrical and sewer lines and meeting earthquake and fire safety standards at college buildings; and

WHEREAS, a local measure will also allow the Board to engage local contractors for required construction work and thereby provide jobs to local workers; and

WHEREAS, such a local measure will include mandatory taxpayer protections, including public spending disclosure, independent citizens' oversight of all funds and mandatory annual financial audits to ensure funds are spent only as authorized; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional funding to prepare students to transfer to four-year colleges and universities, and for job training and workforce preparation for the next generation of students of all ages, veterans and local residents 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.* of the Elections Code (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 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 8, 2022, and to request the Los Angeles 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 Los Angeles 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 CERRITOS 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 Los Angeles County Registrar of Voters to call an election under the provisions of Proposition 39 (55% voter approval) 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 \$425,000,000 (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.

Section 2. That the date of the election shall be November 8, 2022.

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, class availability, information technology and vocational job training facilities of the District;

(c) That the Board will require full public disclosure of all spending and will cause to be conducted an annual, independent financial and performance audits to ensure that the Bond moneys get expended on and accounted for the projects identified in Exhibits "A" and "B" hereto;

(d) 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 who is active in support of Cerritos College, such as a member of an advisory council or foundation; One (1) student member; 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.*, 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. In connection with ordering the election pursuant to the provisions mentioned above, the District has obtained reasonable and informal projections on assessed property valuations that take into consideration projections of assessed property valuations made by the Los Angeles County Assessor that are available to the District.

Section 6. That the Los Angeles County Registrar of Voters and the Los Angeles County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2022 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 Elections Code Section 10418.

Section 7. That this Resolution shall stand as the “order of election” to the Los Angeles County Registrar of Voters to call an election within the boundaries of the District on November 8, 2022.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the Los Angeles County Registrar of Voters no later than August 12, 2022.

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.

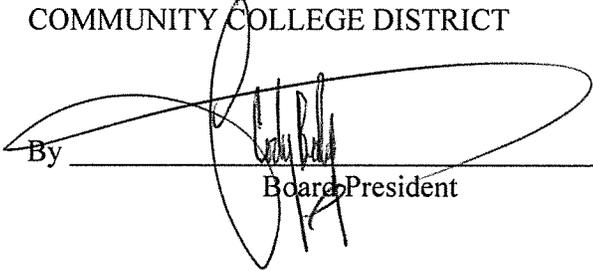
Section 10. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass be made by any body or official authorized by law to canvass the returns 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 Los Angeles County Board of Supervisors is requested to permit their Registrar of Voters to

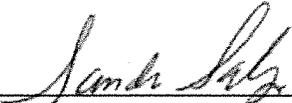
render all services specified by Elections Code Section 10418, for which services the District agrees to reimburse Los Angeles County such services to include the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Elections Code Section 9401) pursuant to the terms of Education Code Section 5363 and Elections Code Section 12112.

ADOPTED, SIGNED AND APPROVED this 10th day of August, 2022.

BOARD OF TRUSTEES OF CERRITOS
COMMUNITY COLLEGE DISTRICT

By  _____
Board President

Attest:



Secretary

EXHIBIT A

“CERRITOS COLLEGE SAFETY, REPAIR, CAREER TRAINING MEASURE. To repair, upgrade, and replace instructional, training, and support facilities; remove asbestos/ lead paint; maintain safe drinking water; earthquake/fire safety; prepare local workforce, students/veterans with modern job training and university transfer; acquire equipment, facilities, sites, shall Cerritos Community College District’s measure authorizing \$425,000,000 in bonds at legal rates, levying \$25/\$100,000 assessed valuation, raising \$19,000,000 annually while bonds are outstanding, be adopted, requiring independent audits/ public disclosure of spending?”

Bonds - Yes

Bonds – No