CERTIFICATION OF RESOLUTION 020124-S3
The following resolution was adopted by the Board of Trustees of San Francisco Community College District:

DATE: January 24, 2002

TO: Board of Trustees

FROM: Dr. Philip R. Day, Jr., Chancellor

SUBJECT: SPECIAL

A Resolution of the Board of Trustees of the San Francisco Community College District (SFCCD) Certifying to the Board of Supervisors of the City and County of San Francisco All Proceedings In the November 6, 2001 District Bond Election; Declaring Passage of Proposition A in such Election For the Issuance of SFCCD General Obligation Bonds; Directing that an Entry of the Fact of Such Passage be Made in the Minutes of the Board Meeting; Directing the Chancellor as Secretary of the Board to Deliver Appropriate Notices to the Board of Supervisors of the City and County of San Francisco and to the SFUSD Superintendent of Schools; Declaring Its Intention to Reimburse Itself from the Proceeds of the Bonds for Certain Expenditures to be Made in Connection with the Bonds; and Authorizing the Chancellor to Take Steps to Recommend Members to an Independent Citizens’ Oversight Committee.
(Resolution 020124-S3)

BACKGROUND INFORMATION:

The Consolidated Municipal Election held in the City and County of San Francisco on November 6, 2001 included Proposition A, authorizing the San Francisco Community College District to borrow $195,000,000 by issuing general obligation bonds. At the November 15, 2001 Board meeting, the District was aware that the bond measure had passed, but it had not yet received official notification and therefore could not undertake official notice. The District did receive a “Statement of the Vote” from Tammy Haygood, the Director of Elections for the City and County of San Francisco, in December of 2001. The attachment to this Statement showed that Proposition A passed with a 72% “yes” vote. Only 55% “yes” was required for passage.
Education Code Section 15274 provides that if the certificate of election shows passage of the measure to issue bonds, the Board of Trustees, shall “cause an entry” to be made in its minutes. The Board must also communicate with the Board of Supervisors, and the San Francisco County Superintendent of Schools must also send a copy of the election results to the Board of Supervisors. This action by the Board also triggers the start of the 60 day period for the Board to establish and appoint members to an independent citizens’ oversight committee as provided for in Education Code Sections 15278, 15280, and 15282.

RECOMMENDATION:

WHEREAS, the San Francisco Community College District (SFCCD) is situated within the City and County of San Francisco;

WHEREAS, the Board of Trustees of the SFCCD did, on April 26, 2001, adopt its Resolution No. 010426-B1, ordering the Director of Elections of the City and County of San Francisco to call and hold an election in the City and County of San Francisco, to be held on November 6, 2001, on the proposition of issuing bonds (the “Bond Election”), and a copy of the resolution was delivered to the Director of Elections of the City and County of San Francisco;

WHEREAS, notice of the Bond Election was given in the City and County of San Francisco;

WHEREAS, on November 6, 2001, the Bond Election was held and conducted for the purpose of voting on the proposition to issue bonds of the District in the amount of $195,000,000 (the “Bond Measure”);

WHEREAS, this Board has received from the Director of Elections a Statement of the Vote with respect to the Bond Election;

WHEREAS, it appears from the Statement of the Vote received from the Director of Elections, a copy of each of which is on file with the Secretary of this Board, that more than 55% of the votes cast on the measure were in favor of issuing the bonds; and

WHEREAS, jurisdiction over the District by the San Francisco County Superintendent of Schools is through the San Francisco Unified School District Superintendent of Schools;

WHEREAS, the District will pay, on and after the date hereof, certain expenditures (the “Expenditures”) in connection with the projects authorized by the Bond Measure (the “Project”) to be paid from the building or project fund of the District established with respect to the Bonds (defined below); and

WHEREAS, this Board has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the District for the Expenditures from the proceeds of one or more issues of tax-exempt bonds authorized by the Bond Measure (the “Bonds”);
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT, AS FOLLOWS:

Section 1. The Secretary of this Board shall enter upon the minutes of this meeting the fact that the Bond Measure authorizing the sale of General Obligation Bonds by the District in the amount of $195,000,000 has been approved by more than 55% of the votes cast at the Bond Election.

Section 2. This Board hereby certifies that all proceedings of this District in connection with the November 6, 2001 Bond Election have been accomplished according to law.

Section 3. The Secretary of this Board is directed to deliver a copy of this Resolution to the Board of Supervisors of the City and County of San Francisco.

Section 4. The Board hereby declares the District’s intent to reimburse itself with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after the date hereof. The District reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 5. Each Expenditure will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the District so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the District.

Section 6. The District will make a reimbursement allocation, which is a written allocation by the District that evidences the District’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The District recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 7. The Secretary of this Board is further directed to deliver a copy of this Resolution to the San Francisco Unified School District Superintendent of Schools with a request that, in the event such officer has not already done so, such officer send to the Board of Supervisors of the City and County of San Francisco, pursuant to Education Code Section 15274, a certificate of election results.

AND FURTHER BE IT RESOLVED: That the Board authorizes the Chancellor and/or his designee to begin the process for the creation of an independent citizens’ oversight committee, as
provided for in Education Code Sections 15278, 15280, and 15282, with such recommendations for its members to be made to the Board for its approval by the 60 day period as provided for by statute.

ADOPTED, SIGNED AND APPROVED this 24th day of January, 2002.

ROLL CALL:

Ayes: 7 (Berg, Carter, Jr., Grier, Marks III, Ramos, Rodis, Wong)

Noes: 0

Abstain: 0

Absent: 0

BOARD OF TRUSTEES OF THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT

By: ______________________________________
    President of the Board of Trustees of the
    San Francisco Community College District

ATTEST:

By: ______________________________________
    Secretary of the Board of Trustees of the
    San Francisco Community College District

Originator: Ronald Lee