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SANTA MONICA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES

SPECIAL MEETING
FRIDAY, AUGUST 6, 2004

Santa Monica College
1900 Pico Boulevard
Santa Monica, California

8:30 a.m. - Public Meeting
Board Room
Business Building Room 117

Teleconference Locations:
Boston Logan International Airport
American Airlines Terminal
1 Harborside Drive
East Boston, Massachusetts

2433 Wood Hollow Way
Bountiful, Utah

The agenda may be accessed on the
Santa Monica College website:
<http://www.smc.edu/admin/trustees/meetings/>

PUBLIC PARTICIPATION

ADDRESSING THE BOARD OF TRUSTEES

Members of the public may address the Board of Trustees by oral presentation **concerning any subject that lies within the jurisdiction of the Board of Trustees** provided the requirements and procedures herein set forth are observed:

- I. Individuals wishing to speak to the Board at a Board of Trustees meeting during Public Comments or regarding item(s) on the agenda must complete an information card with name, address, name of organization (if applicable) and the topic or item on which comment is to be made.

Five minutes is allotted to each speaker per topic. If there are more than four speakers on any topic or item, the Board reserves the option of limiting the time for each speaker. A speaker's time may not be transferred to another speaker.

General Public Comments and Consent Agenda

- The card to speak during Public Comments or on a Consent Agenda item must be submitted to the recording secretary at the meeting **before** the Board reaches the Public Comments section in the agenda.
- Five minutes is allotted to each speaker per topic for general public comments or per item in the Consent Agenda. The speaker must adhere to the topic. Individuals wishing to speak during Public Comments or on a specific item on the Consent Agenda will be called upon during Public Comments.

Major Items of Business

- The card to speak during Major Items of Business must be submitted to the recording secretary at the meeting **before** the Board reaches that specific item in the Major Items of Business in the agenda.
- Five minutes is allotted to each speaker per item in Major Items of Business. The speaker must adhere to the topic. Individuals wishing to speak on a specific item in Major Items of Business will be called upon at the time that the Board reaches that item in the agenda.

2. No uncivil or disorderly conduct shall be permitted at any Board of Trustees meeting. Persistence in displaying such conduct shall be grounds for summary termination and/or removal of the person from the meeting by the Chair.
3. No oral presentation shall include formal charges or complaints against any employee of the District, regardless of whether or not the employee is identified in the presentation by name or by another reference which tends to identify the individual. Charges or complaints against employees shall be submitted to the Board of Trustees for consideration in closed session. Any employee against whom charges or complaints are to be made must be given 24 hours advanced notice and may request any such charges or complaints are heard in closed session.
4. Exceptions: This policy does not apply to individuals who address the Board at the invitation or request of the Board or the Superintendent.

No action may be taken on items of business not appearing on the agenda

Reference: *Board Policy Section 1570*
Education Code Section 72121.5
Government Code Sections 54954.2, 54954.3, 54957.9

BOARD OF TRUSTEES**SPECIAL MEETING**

SANTA MONICA COMMUNITY COLLEGE DISTRICT

August 6, 2004

A G E N D A

A meeting of the Board of Trustees of the Santa Monica Community College District is scheduled be held in the Santa Monica College Board Room (Business Building Room 117), 1900 Pico Boulevard, Santa Monica, California, on Friday, August 6, 2004 at 8:30 a.m.

The agenda includes the following items: (Items for action - recommendations - are listed numerically; items for information are listed alphabetically).

I. ORGANIZATIONAL FUNCTIONSPage No.

A Call to Order

B Roll Call

Dr. Margaret Quiñones, Chair
 Carole Currey, Vice-Chair
 Dr. Dorothy Ehrhart-Morrison
 Dr. Nancy Greenstein
 Graham Pope
 Herbert Roney
 Annette Shamey
 Dina Cervantes, Student Trustee

II. MAJOR ITEMS OF BUSINESS

- | | | |
|----|---|----|
| #1 | Resolution for the Order of Bond Election Under Sections 15100 and 15120 of the Education Code and Specifications of the Election Order | 4 |
| #2 | Resolution of the Board of Trustees Expressing its Intention to Develop Cooperative Agreements with the City of Malibu on the Expenditure of General Obligation Bond Proceeds | 10 |
| #3 | Resolution of the Board of Trustees Expressing its Intention to Develop Cooperative Agreements with the City of Santa Monica and, if necessary, to Develop Cooperative Agreements with Other Public Agencies on the Expenditure of General Obligation Bond Proceeds | 12 |

- XI. **ADJOURNMENT:** The next regular meeting of the Santa Monica Community College District Board of Trustees will be **Wednesday**, September 8, 2004 at 7 p.m. (5:30 p.m. if there is a closed session) Santa Monica College Board Room and Conference Center, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	August 6, 2004

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 1 **RESOLUTION FOR THE ORDER OF BOND ELECTION UNDER SECTIONS 15100 AND 15120 OF THE EDUCATION CODE AND SPECIFICATIONS OF THE ELECTION ORDER**

WHEREAS, the Board of Trustees (the "Board") of the Santa Monica Community College District (the "District"), within the County of Los Angeles, California (the "County"), is authorized to order elections within the District for the purpose of considering, *inter alia*, bond measures to meet the capital improvement needs of the District, pursuant to the Constitution of the State of California (the "State") and Sections 5304 and 5322 of the Education Code of the State (the "Education Code"); and

WHEREAS, Section 15100 *et seq.* of the Education Code provides for the specifications of the order calling a bond election; and

WHEREAS, Section 18 of Article XVI and Section 1 of Article XIII A of the Constitution of the State and Section 15266 *et seq.* of the Education Code (collectively, "Prop 39") provide for a methodology by which the District may issue its general obligation bonds and cause the County to levy an *ad valorem* property tax to pay debt service on said bonds, all pursuant to a favorable vote of 55% or more of those voting on the bond measure; and

WHEREAS, this Board has determined it to be in the best interests of the District to call such an election under Prop 39, as further described herein; and

WHEREAS, this Board has determined that the general statewide election to be conducted on November 2, 2004 (the "Election Date") meets the consolidation requirements of Prop 39; and

WHEREAS, the Board wishes to specify the manner in which the District shall call a bond election on the Election Date and to demonstrate compliance with related requirements of the Constitution, the Education Code and the Elections Code of the State;

NOW, THEREFORE, be it hereby resolved, determined and ordered by the Board of Trustees of the Santa Monica Community College District as follows:

Section 1. Recitals. All of the foregoing recitals are true.

Section 2. Determination to Proceed under Prop 39. The provisions of Prop 39 shall control the administration of the election to consider the bond proposition of the District (the "Bond Proposition"), such that a favorable vote of no less than 55% of the qualified voters voting at the election shall constitute approval thereof, and the Board of Trustees of the District (the "Board") hereby declares its intention to meet the pertinent requirements of Prop 39.

Section 3. Bond Proposition. This Board does hereby order and request that the Registrar-Recorder of the County of Los Angeles (herein called the "Registrar") call an election (in the performance of her duties and in the exercise of her power, alone, or with the assistance of the Clerk of the County Board of Supervisors (the "County Clerk")) to consider the following proposition on November 2, 2004 (the "Bond Election"), which constitutes the election order prescribed under Education Code Section 15122 and Elections Code 13247:

“Shall Santa Monica Community College District increase educational opportunities and raise student achievement; replace or repair deteriorating buildings; construct and equip laboratories, childcare centers and learning resources; meet new needs in emerging technologies; achieve energy savings; improve or acquire real property for fields and instructional use; improve access and availability; reduce costs through partnerships; and complete earthquake repairs by issuing, at interest rates within legal limits, \$135 million in bonds with citizens' oversight and annual performance and financial audits?”

The Registrar is hereby requested to reprint the foregoing Bond Measure in its entirety in the voter information pamphlet to be distributed to voters pursuant to Section 13307 of the Elections Code. Pursuant to Section 18, Article XVI and Section 1, Article XIII A of the Constitution of the State, the foregoing Bond Measure shall become effective upon the favorable vote of no less than 55% of those qualified voters voting on the proposition.

Section 4. Consolidation of Bond Election; Services of County. Pursuant to Section 1258 of the Education Code, the Superintendent/President of the District is hereby authorized to contract with the Registrar, who is hereby requested and authorized to perform such duties as may be required by law, necessary or useful, or customary and appropriate in the conduct of said Bond Election, including the consolidation of the Bond Election with the general election within the territory of the District being conducted on the Election Date.

The precincts, polling places for said precincts in the County, and persons appointed and designated to serve as election officers for said Bond Election will be those determined, designated, and appointed pursuant to state law by the Registrar of Voters. The County is hereby requested to tally and canvass the returns of the election, in accordance with Section 10411 of the Elections Code. The District agrees to reimburse the County for all services related to the Bond Election, such services to include the publication of the Formal Notice and a Tax Rate Statement (described in Section 9401 of the Elections Code) pursuant to the terms of 5363 of the Education Code and Section 12112 of the Elections Code.

Section 5. Approval of Project List; Accountability Safeguards. The District has heretofore caused to be prepared a master facilities plan (the “Master Plan”) to evaluate and address capital improvement needs of the District that may be met through the issuance of the Bonds. From the Master Plan, certain projects (the “Projects”) have been selected and identified on Exhibit A hereto, which is incorporated herein by this reference, and are hereby certified by this Board as the Project List (the “Project List”) for funding, either in whole or in part, with the proceeds of the Bonds. This certification of the Project List shall not be interpreted by and does not constitute an official approval of any listed project for CEQA or other purposes, but only as a statement of present intention of this Board. Furthermore, the listing of a capital improvement on the Project List does not imply any particular prioritization among such improvements, which remains the province of the Board by subsequent action. Notwithstanding the foregoing, only those acquisitions and other capital improvements included on the Project List may be funded, in whole or in part, with the proceeds of the Bonds. The costs of particular Project components included in the Master Plan and which form the basis for the Project List are estimates only and not final cost statements. Additional moneys may be obtained for listed Projects, in supplementation of the Bond proceeds, from any lawful source of moneys.

The Board hereby confirms that it has, in the development of the Project List appended hereto, evaluated and taken into consideration safety, class size reduction and information technology needs.

Pursuant to Section 15278 *et seq.* of the Education Code, within 60 days following the certification by this Board of the official results of the Bond Election by the County, this Board is required to appoint a Citizens Oversight Committee (the "Committee") to insure the District's compliance with the foregoing restrictions and to perform the duties established under the Education Code for such committees. If and when the official results of the Bond Election are certified by this Board to the effect that more than 55% of the qualified voters at the Bond Election voted to approve the Bond Proposition, then this Board shall hereby appoint the existing Citizen's Oversight Committee for the District's General Obligation Bonds, Election of 2002, to serve as the Committee without any further action necessary. To assist the Committee in its statutory obligations, the District shall cause to be conducted an annual independent performance audit and an annual independent financial audit on the expenditure of Bond proceeds; the audits shall be performed under contract with appropriate persons or firms as shall be subsequently brought for approval before this Board. The financial audit may be consolidated with the annual audit of the District's financial statement and may be performed by the same accounting firm, without further approval by this Board.

The results of the annual audits performed hereunder shall be reported to the Board and to the Committee at least annually, and more often, if the Board shall so direct.

Section 6. No Administrators' or Professors' Salaries to Be Paid from Bond Proceeds. In accordance with Prop 39, the Board hereby confirms that no administrators' or professors' salaries shall be paid or reimbursed, in whole or in part, from Bond proceeds, nor shall such proceeds be used to pay any other operating expenses of the District. Notwithstanding the foregoing, costs of administering the Bond Election and costs of issuance of the Bonds shall be lawful charges against Bond proceeds.

Section 7. Other Terms of the Bonds. Terms of each series of Bonds issued following the Bond Election shall be established at the time of sale thereof, based on then-prevailing market conditions. The Bonds shall bear or accrete interest at rates not to exceed the legal maximum, presently being 12% per annum, and shall mature and be paid at various dates no later than 40 years following their date of issuance. The Bonds may be sold at a premium or discount consistent with law and shall be sold pursuant to negotiated sale.

Section 8. Delivery of Order of Election. The Clerk of this Board of Trustees of the District is hereby directed to deliver, no later than Friday, August 6, 2004, which is a date no less than 88 days prior to the date of the Bond Election, one certified copy of this Resolution to the Registrar, together with the Tax Rate Statement to be prepared by the District's Underwriter (appointed below) and executed by the Superintendent/President of the District, and shall file a certified copy hereof with the Clerk of the Board of Supervisors of the County.

Section 9. Ballot Arguments. The members of the Board, or any one member or group thereof, are hereby authorized, but not directed, to file a formal Argument in Favor of the Bond Measure given above, with the Registrar within the time limits established for such arguments by the Registrar.

Section 10. Retention of Consultants. The District hereby confirms the hiring of consultants to provide for special services in connection with the proposed issue(s) of Bonds which may be authorized at the Election, to wit, the investment banking firm of RBC Dain Rauscher Inc., as Underwriter to the District (the "Underwriter"), and the law firm of Fulbright & Jaworski L.L.P, as Bond Counsel to the District ("Bond Counsel"), upon conditions as may be set forth in fee agreements heretofore negotiated and executed on behalf of the District by the Superintendent/President. Payments of the fees and expenses of the Underwriter and Bond Counsel shall be paid from the proceeds of the Bonds of the District which may be authorized following a successful Bond Election, and not otherwise, unless this Board shall take further action.

Section 11. Reimbursement of Qualified Project Expenditures. The Board presently intends and reasonably expects to have tax-exempt obligations (the "Obligations") issued on its behalf within 18 months of the date of the expenditure of moneys on the Projects outlined in the foregoing Bond Measure or the date upon which a Project is placed in service or abandoned, whichever is later (but in no event more than 3 years after the date the original expenditure of such moneys is paid), and to allocate an amount not to exceed \$10,000,000 of the proceeds thereof to the reimbursable expenditures in connection with the Project, as may be qualified under the provisions of Section 1.150-2 of the Treasury Regulations of the Internal Revenue Service (the "Reimbursable Expenditures"). All of the Reimbursable Expenditures covered by this Resolution were paid not earlier than 60 days prior to the date of this Resolution. The Board intends to allocate within 30 days after the date of issue of the Obligations the proceeds therefrom to reimburse the District for the Reimbursable Expenditures. With respect to the proceeds of the Obligations allocated to reimburse the District for prior expenditures, the Board hereby covenants not to employ an abusive device under Treasury Regulation Section 1.148-10, including using within one year of the reimbursement allocation, the funds corresponding to the proceeds of the Obligations in a manner that results in the creation of replacement proceeds, as defined in Treasury Regulation Section 1.148-1, of the Obligations or another issuer of tax-exempt obligations.

The above provision is made solely for the purpose of establishing compliance with the requirements of said Section 1.150-2 of the Treasury Regulations. This provision does not bind the District or the Board to make any expenditure, incur any indebtedness, or proceed with the financing, acquisition or construction of the Project.

Section 12. Ratification. All actions heretofore taken by the officers, or their respective designees, employees and agents of the Board and the District in connection with the financing of the Project are hereby ratified and confirmed. The officers and their designees, the employees and agents of the Board and the District are hereby authorized to take any and all actions in connection with the financing of the Project and as may be necessary and consistent with the purposes of this Resolution.

Section 13. Authorization of Further Acts. The members of this Board, the Superintendent/President, any assistant thereto, and all other staff or officers of the District are hereby authorized and directed, individually and collectively, to do any and all things necessary or advisable in order to effectuate the purposes of this Resolution.

Section 14. Effective Date. This Resolution shall take effect immediately upon its adoption by 2/3 of the members of the Board.

EXHIBIT "A"
PROJECT LIST

All \$135 million of Bond proceeds will be spent within the Cities of Santa Monica and Malibu or at sites that share a boundary and are contiguous with the Cities of Santa Monica or Malibu.

None of the Bond proceeds can be taken away by the State of California.

All projects funded by bond proceeds will be available for authorized educational and public uses.

The District intends to make the most efficient use of Bond proceeds available as a result of this authorization by, among other things, entering into partnership agreements of various sorts with other public agencies whenever feasible ("Cooperative Agreements"). These public agencies would be expected to contribute real property, planning, site preparation, easements, management or other assets to some of the below-listed Projects that will give taxpayers more for their money. The District has identified a minimum of \$70 million of Bond proceeds proposed to be dedicated to capital projects to be done under Cooperative Agreements.

This amount includes no less than \$45 million of Bond proceeds proposed to be dedicated for capital Projects to be done under Cooperative Agreements within or adjacent to the city limits of the City of Santa Monica. The District intends to make the most efficient use of Bond proceeds by other means if a partnership agreement for a listed Project is not feasible, in order to assure the District's ability to achieve the educational and public benefits of this Bond Measure.

This amount also includes no less than \$25 million of Bond proceeds to be dedicated for capital Projects to be done under Cooperative Agreements within or adjacent to the city limits of the City of Malibu.

The Project List proposed for financing in whole or in part with the proceeds of the District's general obligation bonds includes the following capital Projects at any or all District facilities: development and implementation of facilities master plans and related requirements such as environmental impact reports and soils testing; demolition of temporary and/or obsolete facilities; installation and/or upgrading of emergency lighting, fire alarm, and security systems; roadways, walkways, grounds, parking lots and garages, and entrance improvements; signage for safety and public information; modernization and/or construction of new restrooms; financing/refinancing of real property acquisition and improvements; acquiring related furnishings and equipment for all modernization, renovation, improvement, and/or new construction Project components; the relocation and/or acquisition of temporary facilities during the modernization, renovation, improvement and/or new construction of Project components as necessary to maintain educational programs in operation during construction; acquiring and/or refinancing real property for future classroom, student service, child care and/or other uses; and acquiring land including but not limited to contiguous parcels, making site improvements, building infrastructure and/or constructing additional facilities thereon, for the purpose of expanding instructional programs to meet future educational demands of District students.

Specific Projects include:

- Site acquisition and improvements in the District for field space, especially women's soccer, in order to make available a complete offering of District-provided programs in Health, Fitness, and Physical Education.
- Site acquisition and improvements in Malibu for instructional facility of no more than 25,000 assignable square feet and field space.
- Retrofit existing District fields or other fields available to the District for year-round usage.
- Replacement or renovation of Health, Fitness, and Physical Education Building.
- Improvements to provide childcare and an Early Childhood Development lab facility.
- Replacement of earthquake-destroyed tennis courts.

- New Music and Performing Arts Complex to support new University of California admission requirements.
- Upgrades to existing and future District facilities, including Projects done under Cooperative Agreements, for energy efficiency and to meet modern sustainability practices.
- New Career Opportunity Center to support programs in emerging technologies and to compete for State and Federal grants.
- Satellite campus parking facilities and roadway improvements.

Accountability to Community

All bond expenditures are subject to review by a Citizens Oversight Committee which reports to the public, as provided in Education Code Section 15278 *et seq.*

Bond Proceeds will not be used to purchase residential property.

The District will not unilaterally override City of Santa Monica or City of Malibu land use authority for any Projects done under the Cooperative Agreements within the city limits of the respective city.

The District will involve faculty, staff, and students in curriculum development throughout the life of the bond measure program.

The District will conduct a neighborhood assessment of need as part of the program design of the Career Opportunity Center Project.

The District will conduct a comprehensive assessment of program need prior to making improvements in Malibu for an instructional facility and field space.

The District will provide an opportunity for input from community and neighborhood residents during the development of Projects to be funded by this bond measure.

MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY:
 AYES:
 NOES:

BOARD OF TRUSTEES	Action
Santa Monica Community College District	August 6, 2004

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 2 **A RESOLUTION OF THE BOARD OF TRUSTEES OF THE SANTA MONICA COMMUNITY COLLEGE DISTRICT EXPRESSING ITS INTENTION TO DEVELOP COOPERATIVE AGREEMENTS WITH THE CITY OF MALIBU ON THE EXPENDITURE OF GENERAL OBLIGATION BOND PROCEEDS**

WHEREAS, the Santa Monica Community College District (the “District”), by action of its Board of Trustees (the “Board”) taken immediately prior to the consideration of this Resolution has called for an election on November 2, 2004 (the “Election”) among its qualified voters for the authorization for issuance of up to \$135 million in general obligation bonds (the “Bonds”); and

WHEREAS, the Project List approved in conjunction with the call for the Election contemplates that the District will work jointly with the City of Malibu to meet the educational needs of the residents of the City who may wish to use facilities of the District (collectively, the “Malibu Partnership Projects”); and

WHEREAS, proceeds of the Bonds in the amount of no less than \$25 million have been identified for use on Malibu Partnership Projects; and

WHEREAS, the Board now wishes to express its intentions as to the nature of the Malibu Partnership Projects and its relationship with the City of Malibu;

NOW, THEREFORE, the Board of Trustees of the Santa Monica Community College District does hereby resolve and determine as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. District Goals for Malibu Partnership Projects. The development of the Malibu Partnership Projects without the participation of the City of Malibu would prevent the efficient expenditure of Bond proceeds on needed educational facilities for the District to be located within city limits. It is the intention of this Board, on behalf of the District, to create a framework within which the City of Malibu may meet its environmental concerns for any District project, satisfy certain community interests and still satisfy unmet educational needs of residents. The District confirms that it has identified no less than \$25 million of Bond proceeds, if approved by the voters at the Election, for the Malibu Partnership Projects and announces its intention to work with City staff and elected officials to identify appropriate properties and agree upon project parameters prior to the expenditure thereof.

Section 3. Staff Direction re Continued Liaison with City of Malibu. The staff of the District, and in particular, the Superintendent/President and the Executive Vice President, Business and Operations, are directed to continue their discussions with representatives of the City of Malibu, with the goal of agreeing upon a partnership structure under which the District and the City of Malibu can work together to construct, improve and equip the Malibu Partnership Projects. In this regard, staff may employ and use real estate counsel, Bond Counsel and other consultants, as necessary or advisable, in order to document a partnership framework between the two public agencies. The efforts of District staff in this direction prior to the date of this Resolution are hereby ratified and confirmed by the Board.

Section 4. Board Consideration of Final Documentation. Following preparation and agreement in concept between the staffs of the District and the City of Malibu, District staff is directed to bring an agreement to this Board for consideration and approval, in such form as they may deem appropriate, whether as a memorandum of understanding, a letter agreement, an agreement to form a joint exercise of powers authority, or otherwise. It is the intention of this Board to consider such a document on a date prior to the conduct of the Election.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY:

AYES:

NOES:

BOARD OF TRUSTEES	Action
Santa Monica Community College District	August 6, 2004

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 3 **A RESOLUTION OF THE BOARD OF TRUSTEES OF THE SANTA MONICA COMMUNITY COLLEGE DISTRICT EXPRESSING ITS INTENTION TO DEVELOP COOPERATIVE AGREEMENTS WITH THE CITY OF SANTA MONICA AND, IF NECESSARY, TO DEVELOP COOPERATIVE AGREEMENTS WITH OTHER PUBLIC AGENCIES ON THE EXPENDITURE OF GENERAL OBLIGATION BOND PROCEEDS**

WHEREAS, the Santa Monica Community College District (the “District”), by action of its Board of Trustees (the “Board”) taken immediately prior to the consideration of this Resolution has called for an election on November 2, 2004 (the “Election”) among its qualified voters for the authorization for issuance of up to \$135 million in general obligation bonds (the “Bonds”); and

WHEREAS, the Project List approved in conjunction with the call for the Election contemplates that the District will work jointly with other public agencies, including in particular the City of Santa Monica (the “City”), to meet the educational needs of the residents of the City who may wish to use facilities of the District (collectively, the “Santa Monica Partnership Projects”); and

WHEREAS, proceeds of the Bonds in the amount of no less than \$45 million have been identified for potential use on Santa Monica Partnership Projects; and

WHEREAS, the City has identified four proposed projects listed on the District’s Project List prepared for the purposes of the Election (the “Project List”) as comprising possible Santa Monica Partnership Projects, and the City Council of the City of Santa Monica, by unanimous vote, has directed its staff to further explore partnership arrangements with the District for that purpose; and

WHEREAS, the Board now wishes to express its intentions as to the nature of the Santa Monica Partnership Projects and its relationship with the City of Santa Monica; and

WHEREAS, the Board now also wishes to express its intentions to, if necessary, develop cooperative agreements with other public agencies in connection with the Santa Monica Partnership Projects and/or other projects listed on the Project List;

NOW, THEREFORE, the Board of Trustees of the Santa Monica Community College District does hereby resolve and determine as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. District Goals for Santa Monica Partnership Projects. The development of the Santa Monica Partnership Projects without the participation of the City of Santa Monica and/or the participation of other public agencies could prevent the efficient expenditure of Bond proceeds on needed educational facilities for the District to be located within or immediately adjacent to the City limits. It is the intention of this Board, on behalf of the District, to create a framework within which the City of Santa Monica may meet its environmental concerns for any District project developed as a Santa Monica Partnership Project, satisfy certain community interests and still satisfy unmet educational needs of residents.

The District confirms that it has identified no less than \$45 million of Bond proceeds, if approved by the voters at the Election, to be applied to the Santa Monica Partnership Projects and announces its intention to work with City staff and elected officials to identify appropriate properties and agree upon project parameters prior to the expenditure thereof. The District also intends to identify and intends to explore working with other public agencies in an effort to ensure completion of the Santa Monica Partnership Projects.

In the event any partnership agreement for a Project listed in the Project List proves not to be feasible, the District intends to make the most efficient use of Bond proceeds by other means in an effort to assure the District's ability to achieve the authorized purposes of the bond measure being presented at the Election.

Section 3. Staff Direction re Continued Liaison with City of Santa Monica. The staff of the District, and in particular, the Superintendent/President and the Executive Vice President, Business and Operations, are directed to continue their discussions with representatives of the City of Santa Monica, with the goal of agreeing upon a partnership structure under which the District and the City of Santa Monica can work together to construct, improve and equip any or all of the Santa Monica Partnership Projects. In this regard, staff may employ and use real estate counsel, Bond Counsel and other consultants, as necessary or advisable, in order to document a partnership framework between the two public agencies. The efforts of District staff in this direction prior to the date of this Resolution are hereby ratified and confirmed by the Board.

Section 4. Board Consideration of Final Documentation. Following preparation and agreement in concept between the staffs of the District and the City of Santa Monica, District staff is directed to bring an agreement to this Board for consideration and approval, in such form as they may deem appropriate, whether as a memorandum of understanding, a letter agreement, an agreement to form a joint exercise of powers authority, or otherwise. It is the intention of this Board to consider such a document on a date prior to the conduct of the Election.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY:
AYES:
NOES:

BOARD OF TRUSTEES	ADJOURNMENT
SANTA MONICA COMMUNITY COLLEGE DISTRICT	August 6, 2004

ADJOURNMENT

The next regular meeting of the Santa Monica Community College District Board of Trustees will be **Wednesday**, September 8, 2004 at 7 p.m. (5:30 p.m. if there is a closed session) in the Santa Monica College Board Room and Conference Center, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.