

# Exhibit A

## MEASURE W

### COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE W

Measure W would authorize issuance of \$698,000,000 in bonds to fund educational facilities projects in the West Valley-Mission Community College District (District). Such bonds are financial instruments used by districts to borrow money that is repaid by a property tax levy. California law allows community college districts to propose bond measures to authorize the issuance of bonds. To pass, the Measure must be approved by 55 percent of voters who vote in the election. The Measure was put on the ballot by Board of Trustees (Board) of the District.

Money generated by the bonds can only be used for the purposes that are set out in the full text of the Measure. The Measure says that the money could be used for the following purposes, among others:

- Upgrading and updating school facilities, including classrooms and labs;
- Repairing or replacing aging buildings; and
- Repairing or replacing roofs, cooling, plumbing, water, sewer, and electrical systems.

A complete list of projects and allowed expenditures is included within the full text of the Measure. The Board has certified that it has evaluated safety, class size, and information technology needs in developing its project list.

Under the California Constitution, money generated by community college bond measures cannot be used for teacher and administrator salaries or pensions, or other operating expenses. The California Constitution requires the District to hire an independent professional to annually examine how the District is spending bond money. State law also requires the District to establish an independent citizens' oversight committee to ensure that money generated by the bonds is used only for the projects included in the Measure.

The bonds will be repaid from taxes collected on property in the District. The amount of the tax paid will depend on the assessed value of the property. The District's best estimate of the highest tax rate to be collected to repay the bonds is \$13.00 per \$100,000 of the assessed value of the property. The District's best estimate of the total amount, including interest, that will be required to repay the bonds is \$1,287,907,440. The District estimates that the final year that taxes will be collected to repay the bonds is fiscal year 2049-2050.

A "yes" vote is a vote to authorize the issuance of the bonds in the amount of \$698,000,000 to be repaid by collection of taxes on property located within the District.

A "no" vote is a vote to not authorize the issuance of the bonds.

James R. Williams  
County Counsel

By: /s/ Danielle L. Goldstein  
Deputy County Counsel

## COMPLETE TEXT OF MEASURE W

### WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT BOND MEASURE ELECTION NOVEMBER 6, 2018

**"WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT LOCAL, AFFORDABLE, CAREER/JOB TRAINING, REPAIR, VETERAN SUPPORT MEASURE.** To upgrade educational facilities/technology to prepare students/veterans for 21<sup>st</sup>-century jobs, university transfer; update science, engineering, math classrooms, labs for nursing/healthcare careers; acquire, construct, repair, classrooms, facilities, sites, equipment; shall West Valley-Mission Community College District's measure authorizing \$698,000,000 in bonds at legal rates, levying \$13/\$100,000 assessed value averaging \$39,000,000 annually while bonds are outstanding, be approved, with oversight, audits, no money for administrators' salaries/pensions?"

Bonds-Yes

Bonds-No

### PROJECTS

The Board of Trustees of the West Valley-Mission Community College District, to be responsive to the needs of its community, evaluated West Valley College's and Mission College's urgent and critical facility needs, and its capacity to provide students, and **Veterans** with support and **job training** facilities, an **affordable education** and prepare them for success in **college** and **21<sup>st</sup> Century careers**. **Job training** facilities, safety issues, class size and offerings, and information and computer technology were each considered in developing the type of projects to be funded, as such are outlined in the District's West Valley College Educational & Facilities Master Plan and the Mission College 2017 Education & Facilities Master Plan, each incorporated herein by reference in their entirety.

In developing the scope of projects, **basic repairs**, job training facilities, **campus safety**, **facilities supporting Veterans**, and the expansion of opportunities for local students to receive an **affordable**, quality **education**, were **prioritized**. If these facility needs are not addressed now, the District's Colleges would be unable to remain competitive in preparing students for jobs in high demand industries and **university transfer**.

The Board of Trustees determines that **West Valley College and Mission College MUST:**

- Maintain affordable education for local students and returning veterans;**
- Repair or replace leaky roofs, heating, cooling, plumbing and electrical systems;**
- Improve educational resources for returning veterans;**
- Provide up-to-date science, engineering and math labs and 21<sup>st</sup> Century career preparation;**
- Adhere to stringent FISCAL ACCOUNTABILITY safeguards including:**

#### COMPLETE TEXT OF MEASURE W-Continued

- (a) All expenditures will be subject to annual independent financial audits,
- (b) No funds will be used for administrators' salaries and pensions,
- (c) An independent citizens' oversight committee will be appointed to ensure that all funds are spent only as authorized.

The following types of projects which are authorized to be undertaken at West Valley College and Mission College, include:

#### PROVIDE AN AFFORDABLE EDUCATION FOR LOCAL STUDENTS AND VETERANS:

##### Basic Upgrade Projects Needed To Make West Valley College and Mission College

##### A Resource For Students Seeking a Career Change or Specialized Job Training

**Goal and Purpose:** As the cost of U.C. and Cal State University systems continues to rise, West Valley and Mission Colleges are an essential resource for students—whether seeking university transfer, specialized job training, or as an educational resource for veterans returning to civilian life.

- Improve access to college facilities for people with disabilities.
- Update educational facilities and technology to prepare students for 21<sup>st</sup> Century jobs.
- Repair or replace leaky roofs, cooling, plumbing, water/sewer and electrical systems.
- Replace aging, seismically unsafe building and facilities.
- Upgrade college safety and security systems, including fire alarms and cameras.

#### PROVIDE JOB TRAINING AND COLLEGE TRANSFER:

##### Classroom Improvements To Help Students and Veterans Transfer to Four-Year Universities or be Trained For High Demand Jobs

**Goals and Purposes:** Community colleges are an essential resource for returning students seeking a career change or specialized job training. This measure will help West Valley College and Mission College continue providing local, high-quality, affordable job-training programs, such as nursing, engineering and firefighting.

This measure will improve services for veterans returning to civilian life with financial aid, registration, and access to affordable education and career training.

#### COMPLETE TEXT OF MEASURE W-Continued

- Update classrooms and technology to prepare students, veterans and workers for 21<sup>st</sup> century jobs and university transfers.
- Upgrade science, and engineering and math labs.
- Expand classrooms for nursing, healthcare, engineering, and other technical (STEM) vocational career education programs.
- Provide facilities to prepare students to transfer to four-year colleges and universities.
- Improve classrooms and resources for veterans.
- Improve vocational classrooms and labs for nursing, and firefighting programs.

In addition to the listed projects stated above, the type of authorized projects also include the acquisition of a variety of instructional, maintenance and operational equipment, including interim funding incurred to advance fund projects from payment of the costs of preparation of all facility planning, fiscal reporting, facility studies, assessment reviews, facility master plan preparation and updates, environmental studies (including environmental investigation, remediation and monitoring), design and construction documentation, and temporary housing of dislocated college activities caused by construction projects. In addition, the type of repair, renovation and construction projects: renovate student and staff restrooms; replace aging electrical and plumbing systems; repair and replace heating, ventilation and air conditioning systems; acquire vehicles; upgrade of facilities for energy efficiencies; repair and replace worn-out and leaky roofs, windows, walls doors and drinking fountains; replace or remove outdated buildings and classrooms and construct new classrooms and support buildings; install wiring and electrical systems to safely accommodate computers, technology and other electrical devices and needs; upgrade facilities to meet current environmental sustainability and State compliance standards; repair and replace fire alarms, emergency communications and security systems; upgrade, resurface, replacing or relocate hard courts, fields, turf and irrigation systems; install artificial turf on athletic fields; upgrade classrooms; build or upgrade facilities, including at Mission College, a new STEM Center, performing arts building, science building, library, student campus center, indoor/outdoor physical education facilities, and at West Valley College, learning resource center, wellness center, physical education building, STEM classrooms, outdoor physical education facilities and a black box theatre; construct, expand or reconfigure facilities to create large lecture classrooms, college support buildings, administration building, campus centers; upgrade, resurface and recondition existing parking lots, roads and sidewalks; repair, upgrade and install interior and exterior lighting systems; replace water lines and valves and sewer lines; construct, upgrade, acquire or expand multi-use classrooms and labs, fine arts and visual and performing arts facilities, learning resources center, college storage and recycling facilities, swing space, outdoor classrooms/performance space, child development buildings, field lights, bleachers, box, track replacement, student service/campus center and instructional buildings, and athletic fields; improve water conservation and energy efficiency; acquire land; replace existing window systems with energy-efficient systems to reduce costs; improve insulation, weatherproofing and roofs to reduce costs; improve access for the

## COMPLETE TEXT OF MEASURE W-Continued

disabled; install and repair fire safety equipment, including alarms, smoke detectors, sprinklers, emergency lighting, and fire safety doors; replace broken concrete walks, deteriorated asphalt; replace/upgrade existing signage to reflect wayfinding master plan, bells and clocks; demolition of unsafe facilities; install or upgrade new security systems, such as security (surveillance) cameras, burglar alarms, handrails, outdoor lighting, fencing, landscaping, gates, gateways and classroom door locks; replace sewer lines and improve drainage systems to prevent flooding; upgrade roadway and pedestrian paths and pathways and bridges for improved safety and access for emergency vehicles, site parking, utilities and grounds. The project list also includes the refinancing of outstanding lease obligations and the funding of an endowment for technology and other authorized projects. The upgrading of technology infrastructure includes, but is not limited to, upgrading classroom technology, expanding wireless internet access throughout both college campuses, acquire portable interface devices, servers, switches, routers, modules, sound projection systems, information systems, printers, digital white boards, upgrade voice-over-IP, communication systems, audio/visual and telecommunications systems, call manager and network security/firewall, Internet connectivity, wireless systems, technology infrastructure, and other miscellaneous IT and instructional equipment, DATA storage, fiber/copper infrastructure, phones, identity access cards and the creation and funding of a technology endowment. The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses, a customary contingency, and costs associated with the Total Cost of Ownership of facilities and equipment.

The allocation of bond proceeds may be affected by the final costs of each project. Some projects may be undertaken as joint use projects in cooperation with other local public or non-profit 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 and construction documents are finalized, construction bids are received, construction contracts are awarded and projects are completed. Based on the final costs of each project, 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, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property. 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 bond projects. 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.

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## FISCAL ACCOUNTABILITY

This bond measure has strict accountability requirements including:

## COMPLETE TEXT OF MEASURE W-Continued

1. All money will benefit West Valley College and Mission College campuses and CANNOT BE TAKEN BY THE STATE.

2. NO MONEY can be used for ADMINISTRATOR SALARIES or PENSIONS.

3. Require TAXPAYER OVERSIGHT and yearly audits to ensure all funds are used locally, effectively and as promised.

4. 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 school facilities, including the furnishing and equipping of school facilities, and not for any other purpose, including teacher, faculty and college administrator salaries, pensions and other operating expenses.

5. FISCAL ACCOUNTABILITY. 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.

## TAX RATE STATEMENT

### WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT NOVEMBER 6, 2018

An election will be in the West Valley-Mission Community College District (the "District") on November 6, 2018, to authorize the sale of up to \$698,000,000 in bonds of the District to finance school facilities as described in the proposition. If the bonds are approved, the District expects to sell the bonds in multiple series. Principal and interest on the bonds will be payable from the process of tax levies made upon the taxable property in the District. The information regarding tax rates is provided to comply with Section 9401 of the Election Code of the State of California. This information is based upon the best estimates and projections presently available from official sources, upon experience within the District and other demonstrable factors.

Based upon the foregoing and projections of the assessed valuations of taxable property in the District, and assuming the entire debt service, including principal and interest on the bonds, will be paid through property taxation:

1. The best estimate from official sources of the average annual tax rate that would be required to be levied to fund that bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors is 1.3 cents/\$100 of assessed valuation (\$13/\$100,000) of all property to be taxed. The best estimate of the final fiscal year in which the tax is anticipated to be collected is 2049-2050.
2. The best estimate from official sources of the highest tax rate that would be required to be levied to fund that bond issue, and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors is 1.3 cents/\$100 of assessed valuation (\$13/\$100,000) of all property to be taxed.
3. The best estimate from official sources of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold is \$1,287,907,440.

The attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only. The actual tax rates and the years in which they will apply may vary from those presently estimated due to variations from these estimates in the timing of bond sales, the amount of bonds sold, and the market interest rates at the time of the sales, and the actual assessed valuations over the term of repayment of the bonds. The date of sale and the amount of bonds sold any given time will be determined by the District based on its need for

## TAX RATE STATEMENT-Continued

construction funding as well as other factors. The actual interest rates at which the bonds will be sold will depend on bond market conditions at the time of sale. Actual assessed valuations at future dates will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the County of Santa Clara and County of Santa Cruz Ventura in the annual assessment and the equalization process. Accordingly, the actual tax rate and the years in which such rates are applicable may vary from those presently estimated above.

Dated: 8/8/18

/s/ Edralin J. Maduli.

Vice Chancellor, Administrative Services  
West Valley-Mission Community College District

## ARGUMENT IN FAVOR OF MEASURE W

Maintain affordable education and job training for local students and veterans—Vote **YES on W!**

West Valley and Mission Colleges are an essential resource for students seeking university transfer, returning students seeking a career change, and for specialized job training.

**YES on W** continues to provide local, high-quality, affordable job-training programs for our community, including veterans returning to civilian life.

**YES on W** helps keep our local community colleges affordable. As the cost of U.C and Cal State University continues to rise, West Valley and Mission Colleges together serve the communities of Campbell, Cupertino, Los Gatos, Monte Sereno, Santa Clara, Saratoga, Sunnyvale, and San Jose—saving families across our region thousands of dollars!

**YES on W** ensures every penny from this measure will benefit West Valley-Mission campuses and students. All Measure W funding must be spent locally and cannot be taken away by Sacramento.

We need Measure W!

**YES on W** will improve services for returning veterans with financial aid, registration and access to affordable job-training programs.

**YES on W** prepares students for 21<sup>st</sup> century jobs in this fast-paced, competitive environment—we must continue to update educational facilities and technology that prepares students for today's jobs!

**YES on W** provides career technical education in in-demand fields like nursing, firefighting and healthcare with updated science, engineering and math labs.

Measure W is fiscally accountable—by law, Measure W requires published independent financial audits and oversight by an Independent Citizen's Oversight Committee to ensure all funds are spent as promised.

NO Measure W money can be spent on administrators' salaries or pensions. NO money can be taken by the state. All funds must be spent on our local community colleges.

Join students, teachers, veterans, local employers, business and community leaders—Vote **YES on W!**

/s/ Carl Guardino  
President & CEO, Silicon Valley Leadership Group

/s/ Thuy Trang  
Faculty, Vice President of Academic Senate

/s/ Michael Montemayor  
Student Veteran

/s/ Shirley Cantu  
Taxpayer Advocate and College Oversight Committee Member

/s/ Anne J. Kepner  
President, West-Valley Mission Community College District Board of Trustees

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE W

**Shouldn't you have the right to work where you pay taxes?**

The Construction Craft Professional Demand in California is 383,554 through August 2021. Byf.org. All available workers and apprentices will be needed to ensure a successful Measure W.

Most California Community College Districts do not force their construction contractors to sign union agreements. But the West Valley-Mission Community College District will require contractors to sign a "Project Labor Agreement" (PLA) with unions to work on a majority of Measure W projects.

For years, West Valley-Mission operated with a construction bidding policy that ensured a fair playing field regardless of labor affiliation and delivered quality workmanship our community could count on.

Unfortunately, that ended in 2018 when the Board of Trustees voted to prevent a majority of local workers including West Valley-Mission graduates and veterans from building their community.

Now, your friends, your neighbors and young aspiring construction professionals can't get a fair shot at the work here in their backyard to help provide for their families. Instead, out of town workers are working here and taking your tax dollars back to their communities.

Studies show this could cost taxpayers 15-20% more. That's \$104.7M.

As a result, only four buildings can be built for the price of five.

Please do not endorse this type of discrimination with your vote. Send the bond back to the drawing board and tell these politicians to fix it so all workers can build their community.

/s/ Mark W. A. Hinkle  
President: Silicon Valley Taxpayers Association

/s/ Michele Dowling-Daugherty  
President/CEO ABC Norcal

/s/ Jennifer Imhoff  
Chair, Libertarian Party of Santa Clara County

## ARGUMENT AGAINST MEASURE W

### Vote no on Measure W

Most California school districts do not force their construction contractors to sign union agreements. But West Valley-Mission Community College District will require contractors to sign a "Project Labor Agreement" (PLA) with unions to work on most school projects funded by bonds.

This union agreement discourages many responsible contractors from bidding on district construction projects. As a result, taxpayers may not be getting the best quality construction at the best price.

The school district's union agreement is negotiated and signed by union officials. It requires construction contractors to use a union "job referral system" or register their workers with unions. All workers must pay union dues and application fees. Workers must have their benefits paid into union-affiliated trust funds which they will likely never see. All apprentices must come from union programs.

Back-room deals like this hurt local business and motivate industrious young people to leave CA.

Please do not endorse this type of discrimination with your vote. Send the bond back to the drawing board and tell these politicians to fix it to include all workers. All workers deserve the right to work in Santa Clara County.

And remember, while the bond is described as \$698 million, it's more likely to cost you \$1.17 billion. Bond are like home mortgages, they have to be paid back with interest...lots and lots of interest over the next 25-30 years.

Lastly, the District says part of these funds will be used to upgrade technology. Technology that will be obsolete in 5-6 years, but the payments for that technology will go on for decades, long after that technology has been thrown into the recycling bin.

Vote NO on Measure W

For more information: [www.SVTaxpayers.org/2018-measure-w](http://www.SVTaxpayers.org/2018-measure-w)

/s/ Mark W.A. Hinkle  
President: Silicon Valley Taxpayers Association

/s/ Michele Dowling-Daugherty  
President/CEO ABC Norcal

/s/ Jennifer Imhoff  
Chair, Libertarian Party of Santa Clara County

## REBUTTAL TO ARGUMENT AGAINST MEASURE W

Don't be fooled by special interests that come out against schools and students every election. Partisan rhetoric has nothing to do with the education and job training our local students and returning veterans need.

We have a choice—students, veterans and local residents, or unrelated third party special interests?

**Here are the facts the opposition wants you to ignore to advance their own agenda:**

**FACT:** Maintaining affordable, quality education requires a 21<sup>st</sup> century learning environment. **YES on W** ensures students, veterans, and local residents can continue to obtain the education and job skills they need for today's fast-paced environment.

**FACT:** Many young adults rely on our local community colleges to prepare them for universities. **YES on W** ensures local families can continue to save money on the first few years of tuition.

**FACT:** Returning veterans rely on our local community colleges. **YES on W** ensures our veterans get the support they need, and can successfully complete their education and reenter the civilian workforce.

**FACT:** Local healthcare and public safety professionals are trained at our local community colleges. **YES on W** will ensure our local workforce is well-trained for critical work that keeps our communities healthy and safe.

Our local community colleges are critical for students, veterans, and families—saving families money and preparing students for university transfer and for the local jobs of today. Join us in voting **YES on W** to support our local community colleges.

/s/ Keith C. Gonsalves  
Owner Gonsalves & Stronck Construction, Large Employer

/s/ Michael Montemayor  
Student Veteran

/s/ Darryl Von Raesfeld  
Retired Fire Chief, City of San Jose

/s/ Cari Bryan  
Registered Nurse and Mission College Alum

/s/ Shirley Cantu  
Taxpayer Advocate