

MEASURE I – IMPARTIAL ANALYSIS

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REDWOODS COMMUNITY COLLEGE DISTRICT

SCHOOL FACILITIES BOND MEASURE

Measure I is a bond measure submitted by the Redwoods Community College District, which would allow the District to issue bonds in the amount of up to \$120,000,000 and levy a tax to pay for the bond debt, up to \$25 per \$100,000 of assessed property value. The District estimates that the last year in which it will be necessary to collect the debt will be 2058-2059 fiscal year. By the time all interest and principle is paid, the District estimates the total cost of the bonds will be \$272,522,000.

The California Constitution authorizes a school district or community college district to issue bonds specifically for “the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities,” and “not for any other purpose, including teacher and administrator salaries and other school operating expenses.” The measure must include “a list of specific school facilities projects to be funded by the bond,” and an “annual, independent performance audit” must “ensure that the funds have been expended only on the specific projects listed.”

Measure I includes a list of projects but not a very “specific” one, for it includes the statement: “In addition to the projects listed above, repair, renovation and construction projects may include, but not be limited to, some or all of the following...” The Measure includes a provision for independent annual audits, but it may be difficult for an independent audit to “ensure that the funds have been expended only on the specific projects listed” because the list is not exhaustive. Listing only the types of projects that may be funded might be enough to withstand a legal challenge to the validity of the measure under *Foothill-De Anza Community College Dist. V. Emerich* (2007) 158 Cal. App. 4th 111, though the measure in that was not as open-ended as the language in Measure I. However, the lack of specificity could give rise to challenges on a project-by-project basis under Elections Code Section 15284.

Measure I authorizes funds to be used to reimburse the District for the cost of employees “when performing work on or necessary or incidental to bond projects.” This appears to be in conflict with the Constitution’s express prohibition on using bond proceeds for “teacher and administrator salaries and other school operating expense.” However, the California Attorney General has opined that use of bond funds for salaries is acceptable for the narrow category of costs that arise in connection with, and are incurred only for the duration of, construction projects authorized in the bond measure. Attorney General Opinions are not law, but courts do afford them considerable deference.

The Redwoods Community College District is made up of Humboldt, Trinity and Del Norte Counties. In order for the measure to pass, it must be approved by 55 percent of the voters of the entire district voting in the election. It does not need 55 percent of the voters in each county.