

# EvergreenFriends.org

December 9, 2016

Dear Mayor and City Council of San Jose,

EvergreenFriends.org urges that each City Councilmember vote to deny application GP16-007 for the following reasons:

## 1. Commercial development on Evergreen Valley College land prohibited

Approximately 10 years ago, the San Jose Evergreen Community College District (SJECCD) administration researched and found that the State funding for Evergreen Valley College land prohibits commercial development. The current SJECCD Trustees are now ignoring the requirement.

See Exhibits 1 and 2 below.

The applicant has referred to Cal Ed Code 81360-81382 as a basis to bypass public funding requirement. However, it is well known that voter approved bonds that specify a purpose cannot be simply bypassed and then have the associated funds be used by the elected officials as they desire. The voter approved State bond of 1962 shown in Exhibit 2 does not allow the bond funds to be used for acquiring land for private commercial development.

## 2. Insufficient land allocated for community colleges within the City of San Jose

There is insufficient land allocated for State community college service within the east San Jose region. In a comparison to a neighboring school district, the amount of land needed for the San Jose region based on the population size is 436 acres. (920K/500K X 237AC = 436AC) The 27 Acres of this application are not surplus. Rather, approximately **254 more acres** are needed to serve the San Jose region. (436AC-182AC = 254AC)

Level of Public Education Service Comparison 2015

School District	Number of residents	Number of Degree Programs	Number of Sports Teams	Swimming Pools	School Land
San Jose Evergreen (SJECCD)	920K (approx)	76	11	None	182 Acres
Foothill De-Anza (FHDA)	500K (approx)	136	32	2 (Olympic size)	237 Acres

The land needed for community colleges is not merely only for buildings and parking, but needs to include area for extra-curricular sports for which the youth in the San Jose community are now being denied.

Under State law, SJECCD should be providing equitable services and facilities for San Jose residents based on population size. The table above shows SJECCD bypassing the law. This agency already receives equitable funding to assure such equality for City residents for the population size. (*Serrano v. Priest*). As such, the claim of needing extra lease income is without basis. Moreover, SJECCD has contrived their College Master Planning process to ignore the population size needing served and bypass the Academic Senate input process as required by law.

### **3. City responsibility**

Each of you are aware that a City must not perform an act for which City residents would then be denied equal State public education services and facilities. Clearly, much more land is needed in the east San Jose region, rather than reduced, to assure equality.

SJECCD does not need the lease income to assure equal public education for City residents. SJECCD is already equally funded as other school districts by State law under *Serrano v. Priest*.

As shown in the table above, there is a dire lack of public community college services and facilities being provided by SJECCD to residents living in San Jose. Approving this application would be an act to enrich both a private commercial developer and the wayward local education agency applicant SJECCD. Please do not associate yourself with the applicant in denying equal education. Rather, please take a stand and demand that SJECCD acquire more land and provide equal education facilities and services to City residents.

Thank you,  
Glen Wetzel  
President, EvergreenFriends.org  
email: info@evergreenfriends.org

EvergreenFriends.org supported a petition to the City Council for which over 700 community members signed opposing the proposed private commercial development on public funded Evergreen Valley College land
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**Exhibit 1** - SJECED board meeting minutes (1967) showing State funding of EVC land

*Board Minutes from : : Nov 7 1967*

SAN JOSE JUNIOR COLLEGE DISTRICT  
SCHEDULE OF PAYMENTS

Site Purchases

	Milpitas		Evergreen	
	Acres Purchased	Total Am't.	Acres Purchased	Total Am't
Dec. 31, 1967	38.065	\$413,005.25	50	\$600,000.00
June 30, 1968	35.879	412,990.59	50	500,000.00
<i>Option I</i> June 30, 1969	18.866	216,783.66	26	99,154.64
<i>Option II</i> June 30, 1970	15.468	197,007.62	10	38,136.40
<i>Option III</i> June 30, 1971	15.827	199,214.45	10	38,136.40
<i>Option IV</i> June 30, 1972			9	34,322.76
TOTAL	122.305	\$1,439,001.57	155 ±	\$1,309,750.20 ±

Revenue Sources for Land Purchases

Year	Source of Revenue	Am't of Revenue	Expenditures		
			Milpitas	Evergreen	Bascom
1967-68	District Reserves	\$ 800,000	\$825,990.84	\$1,100,000	\$165,000
	Community Use	415,000			
	Current Revenue	36,700			
	State Matching @ .668	839,000			
	Based on (Entitlement III):				
	\$ 165,000 Bascom				
1,100,000 Evergreen					
826,000 Milpitas					
Total 1967-68		\$2,091,000	\$825,990.84	\$1,100,000	\$165,000
1968-69	District Reserves (67-68 AB272)	100,000	216,783.66	99,154.64	165,000

**Exhibit 2 - 1962 voter approved State bond for Junior College acquisition of land prohibits commercial use**

<p style="text-align: center;">CALIFORNIA STATE ARCHIVES SECRETARY OF STATE</p> <p style="text-align: center;">Proposed</p> <p style="text-align: center;"><b>AMENDMENTS TO CONSTITUTION</b></p> <p style="text-align: center;"><b>PROPOSITIONS AND PROPOSED LAWS</b></p> <p style="text-align: center;">Together With Arguments</p> <hr style="width: 10%; margin: auto;"/> <p style="text-align: center;">To Be Submitted to the Electors of the State of California at the</p> <p style="text-align: center;"><b>GENERAL ELECTION TUESDAY, NOV. 6, 1962</b></p> <p style="text-align: center;">Compiled by A. C. MORRISON, Legislative Counsel Distributed by FRANK M. JORDAN, Secretary of State</p>	<p style="text-align: center;"><b>Part I—Arguments</b></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 5%; text-align: center; vertical-align: top;"><b>1A</b></td> <td style="padding: 2px;"> <p><b>FOR BONDS TO PROVIDE STATE COLLEGE, JUNIOR COLLEGE AND UNIVERSITY FACILITIES; TO PROVIDE FACILITIES TO CARE FOR MENTALLY RETARDED AND MENTALLY ILL AND TO PROVIDE NARCOTICS CONTROL, CORRECTIONAL AND FOREST FIRE FIGHTING FACILITIES.</b> (This act provides for a bond issue of two hundred seventy million dollars (\$270,000,000). Eighty percent (80%) of the total amount of the bond issue will be used for the building construction, equipment and site acquisition needs for the California State Colleges, the public junior colleges, and the University of California.)</p> </td> </tr> <tr> <td></td> <td style="padding: 2px;"> <p><b>AGAINST BONDS TO PROVIDE STATE COLLEGE, JUNIOR COLLEGE AND UNIVERSITY FACILITIES; TO PROVIDE FACILITIES TO CARE FOR MENTALLY RETARDED AND MENTALLY ILL AND TO PROVIDE NARCOTICS CONTROL, CORRECTIONAL AND FOREST FIRE FIGHTING FACILITIES.</b> (This act provides for a bond issue of two hundred seventy million dollars (\$270,000,000). 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Not less than 80 percent of the total amount of the bonds authorized to be issued must be used to meet the State's building construction, equipment and site acquisition needs for the California State Colleges, public junior colleges, and the University of California. Not less than \$20,000,000 of the bonds authorized must be used to meet the State's building construction, equipment and site acquisition needs for public junior colleges.</p> <p>The measure provides that the bonds are to be general obligations of the State for the payment of which the full faith and credit of the State is pledged, and it annually appropriates from the General Fund the sum necessary to make the principal and interest payments on the bonds as they become due.</p> <p>The bonds are to be issued only for projects for which funds are appropriated in any year by the Legislature in a separate section of the Budget Act. The Department of Finance is required to total the appropriations made in such separate section of the Budget Act annually and to request the State Construction Program Committee, consisting of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Director of Public</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Works, to have sufficient bonds issued and sold to carry out such projects.</p> <p><b>Argument in Favor of Proposition No. 1A</b></p> <p>A YES VOTE ON PROPOSITION 1A is a vote to assure an opportunity for all qualified California students to attend college and university. Without these funds an increasingly smaller proportion of our high school graduates will be able to go to college.</p> <p>During the next four years California's Junior Colleges, State Colleges and Universities will face the greatest growth in enrollment that has ever confronted any system of higher education. At the University level alone, we must provide each year for the next three years enough University classrooms to handle the equivalent of the present enrollment of Princeton University. And new classroom requirements at our State Colleges and Junior Colleges will be even greater.</p> <p>Eighty percent of the funds in the bond issue will be devoted to facilities for higher education. The remaining twenty percent includes funds to construct facilities to treat the mentally retarded and the mentally ill. There are presently 2,000 severely retarded children seeking admission to state institutions for which none are available. The twenty percent includes facilities to confine and rehabilitate narcotic users, because of increased penalties for narcotic offenders passed by the 1961 Legislature. Also included are additional facilities to relieve dangerous overcrowding in our prisons.</p> <p>Proposition 1A is a new act tightly drawn to include only essential needs. 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