

RESOLUTION # _____-07-08
BEFORE THE BOARD OF EDUCATION OF THE
SANTA CRUZ CITY ELEMENTARY SCHOOL DISTRICT
SANTA CRUZ COUNTY, CALIFORNIA

A RESOLUTION ORDERING AN ELECTION FOR VOTER APPROVAL TO RENEW AN
EDUCATIONAL PARCEL TAX, REQUESTING THE COUNTY ELECTIONS DEPARTMENT
TO CONDUCT THE ELECTION, REQUESTING CONSOLIDATION OF THE ELECTION,
AND SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Santa Cruz City Elementary School District (the "District") is committed to student achievement in science, reading, writing and the arts, and to supporting this commitment by means such as small classes, hands-on science and arts curricula, and libraries staffed by credentialed librarians; and

WHEREAS, local funding and financial support for the schools through the existing parcel tax has allowed the District to fund many programs beneficial and necessary to the students who attend the schools; and if local funding sources cease, the District would be forced to examine eliminating these programs of study; and

WHEREAS, the District has engaged in a variety of efforts to generate funds for educational programs, including lobbying in the State Legislature and many local fundraising efforts; and

WHEREAS, the existing parcel tax helps protect our schools from state budget cuts and has improved local education, when future funding for the District from the State of California and other sources is projected to be inadequate to provide the level of support to the District's education programs which the citizens of the District expect; and

WHEREAS, the District's Parcel Tax Oversight Committee has consistently reported that parcel tax funds are used wisely on voter-approved educational programs, with funds being used to enhance student achievement in local elementary schools and all funds staying in this community; and

WHEREAS, section 4 of Article XIII A of the California Constitution and Government Code sections 50075, 50076, 50077, 50079, and 53720, 53721, 53722 and 53724 authorize school districts to levy special taxes to raise funds for the purpose of conducting their business upon the approval of two-thirds of the votes cast by voters voting upon such special tax proposals; and

WHEREAS, the Board of Education has conducted a noticed public hearing, as required by law, on the question of whether or not to request the District's voters to re-authorize funding to continue the programs identified below.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE SANTA CRUZ CITY ELEMENTARY SCHOOL DISTRICT FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1: The recitals listed above are adopted as true and correct.

Section 2: A Special Election is hereby ordered and called and shall be conducted on February 5, 2008, and shall be consolidated with any and all other elections also called to be held on February 5, 2008 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the District, at which will be submitted to the qualified voters of the District, a measure to authorize special taxes for the purpose of continuing vital educational programs critical to the educational processes in the schools of the District, which programs are identified below.

Section 3: At the special election to be held within the boundaries of the District on February 5, 2008, a measure with the following specifications shall be submitted to the qualified voters within the District, to wit:

MEASURE " _ "

Santa Cruz City Elementary School District Small Class Size and Academic Achievement Act

To provide revenue that cannot be taken by the State and will remain in our community to reduce class size in all elementary grades and enhance elementary student achievement in science, reading, writing and the arts, shall the Santa Cruz City Elementary School District continue its expiring education parcel tax for a period of 9 years, beginning July 1, 2008, at a rate of \$105 per year on each assessor's parcel located within the Santa Cruz City Elementary School District?

To this end, funds raised by this parcel tax shall be used to strengthen and enrich elementary academic programs by means such as:

- a. providing the local funding for class size reduction (K-3), which is then matched more than six-fold by the state, and preventing a 60% increase in class size in Kindergarten, First, Second and Third Grades;*
- b. providing local funding for class size reductions in grades 4-5, so that classes contain a maximum of 27 students per class on average, rather than 32;*
- c. funding elementary school science instruction;*
- d. providing early literacy instruction programs for elementary students and funding pre-kindergarten programs; retaining; and*
- e. retaining credentialed librarians, library assistants, teachers and other employees; and*
- f. providing arts education teachers and supplies, including music, performing and visual arts.*

The School District's expiring parcel tax for elementary education began in 2003 and has been collected at the flat rate of \$81 per parcel per year since then. This Measure will extend the expiring parcel tax for nine years, beginning July 1, 2008, at the flat rate of \$105 per year, for each assessor's parcel within the Elementary School District (grades K-6). A parcel is defined as any unit of land in the District that now receives a separate real property tax bill from Santa Cruz County. All property that would otherwise be exempt from property taxes will also be exempt from the imposition of said qualified special tax.

An exemption from the tax will be made available to each individual in the District who will attain 65 years of age prior to July 1 of the tax year, owns a beneficial interest in the parcel, and uses that parcel as his or her principal place of residence. Applications for such senior exemptions shall be made to the District on or before July 1, 2008, or July 1 of any succeeding tax year. Any one application from a qualified applicant will provide an exemption for the parcel for the remaining term of the tax so long as such applicant continues to own and use the parcel as his or her principal residence.

In addition to the accountability measures required by law, the independent community oversight committee that has been appointed by the Board of Education to oversee all expenditures funded by the existing parcel tax will continue to audit all funds in order to ensure that said funds are spent wisely and used only for the purposes approved by the voters. The oversight committee shall monitor the expenditures of these funds by the District and shall report on an annual basis to the community on how these funds have been spent.

None of the funds raised by the parcel tax will be used for administrator salaries.

Section 4: The text of Measure “_” as displayed on each individual ballot shall be abbreviated and shall read as follows:

SANTA CRUZ CITY ELEMENTARY SCHOOL DISTRICT SMALL CLASS SIZE
AND ACADEMIC ACHIEVEMENT ACT

To reduce class size in all elementary grades, support achievement in science, reading, writing, and the arts, and fund school libraries and literacy instruction, shall Santa Cruz City Elementary School District continue its expiring parcel tax for nine years at an annual rate of \$105/parcel, exempting parcels owned/ occupied by senior citizens (65+)? An independent oversight committee will audit spending, with every dollar staying in this community to support local elementary schools and no funds used for administrator salaries.

YES _____

NO _____

Section 5: The Santa Cruz County Elections Department is requested to print the text of the measure exactly as filed in the Voter's Information Pamphlet section of the

Sample Ballot for the February 5, 2008 election. Cost of the printing and distribution of the text of the measure will be paid for by the District as required by law.

Section 6: Subject to two-thirds approval of the voters voting on the measure, commencing on July 1, 2008, the special taxes specified above shall be collected and administered by the County of Santa Cruz in the same manner as *ad valorem* real property taxes are fixed, collected, and administered under provisions of the California Revenue and Taxation Code.

Section 7: In accordance with the requirements of California Government Code sections 50075.1 and 50075.3, the following accountability measures, among others, shall apply to the special taxes levied in accordance with this Resolution: (a) the specific purposes of the special taxes shall be those purposes identified above; (b) the proceeds of the special taxes shall be applied only to those specific purposes identified above; (c) a separate, special account shall be created into which the proceeds of the special taxes must be deposited; and (d) an annual written report shall be made to the Board of Education of the District showing (i) the amount of funds collected and expended from the proceeds of the special taxes and (ii) the status of any projects required or authorized to be funded from the proceeds of the special taxes, as identified above. In addition, the District's Board of Education will empower its current independent community oversight committee to assist the District in implementing these accountability measures.

Section 8: The Superintendent of Schools of Santa Cruz County is hereby requested to call a special election of the said special tax measure to be held on February 5, 2008. The Santa Cruz County Board of Supervisors is requested to permit the Santa Cruz County Elections Department to provide all services necessary to conduct the election in the manner required by law. The Santa Cruz County Superintendent of Schools is hereby requested to prepare a Formal Notice of School Parcel Tax Election (the "Notice") containing the information specified in Section 5361 of the Education Code, in substantially the form attached hereto as **Exhibit A** and to publish and/or post the Notice as required by law.

Section 9: In accordance with Education Code section 5342 and Elections Code section 10402.5, it is hereby requested that the election to be held hereunder, on February 5, 2008, be consolidated by the Santa Cruz County Elections Department and the Santa Cruz County Board of Supervisors, for all purposes, with all other elections also called to be held on February 5, 2008 insofar as said elections are to be held in the same territory, or in territory that is in part the same as the territory, of the District.

Section 10: The members of the Board, the Superintendent of the District, and officers of the District are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution, including, without limitation, to prepare and submit for inclusion in the voter information pamphlet an argument in favor of passage of the ballot measure. All

actions heretofore taken by the officers and agents of the District that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

Section 11: The District's Superintendent, and his designee, are hereby authorized and directed to make any changes to the text of the measure described in this Resolution, or to the abbreviated form of the measure, or to the text of this Resolution, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of elections officials, and requirements of law.

Section 12: If any section, subsection, phrase or clause of this Resolution, or its application to any person or circumstance, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution, or their application to any other person or circumstance. The Board of Education declares that it would have adopted this Resolution and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, sentences, phrases or clauses, or their application to any person or circumstance, shall be declared invalid.

Section 13: The Secretary of this Board of Education is hereby authorized and directed to certify to the due adoption of this Resolution and to transmit a copy hereof so certified to the Superintendent of Schools of Santa Cruz County and to file a copy hereof so certified with the Santa Cruz County Elections Department.

* * * * *

The foregoing Resolution was moved by Board Member _____, seconded by _____, and adopted on roll call on October 24, 2007 by the following vote:

Board Member: _____
Board Member: _____
Board Member: _____
Board Member: _____
Board Member: _____
Board Member: _____
Board Member: _____

AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____

WHEREUPON, the President declared the foregoing Resolution duly adopted and SO ORDERED.

Date: _____

President, Board of Education
Santa Cruz City Elementary School District

APPROVED AS TO LEGAL FORM:
LOZANO SMITH

By /s/ Jeffrey L. Kuhn
Attorneys for Santa Cruz City
Elementary School District

The Clerk of the Santa Cruz City Elementary School District Board of Education certifies to the adoption of this Resolution.

Date: _____

Clerk, Board of Education
Santa Cruz City Elementary School District

State of California)
)
County of Santa Cruz) ss.

I hereby certify the foregoing is a true and correct transcript of a Resolution duly adopted and affirmed by a formal vote of the members of the Board of Education of the SANTA CRUZ CITY ELEMENTARY SCHOOL DISTRICT, at a duly constituted meeting of the Board which was open to the public, held at its usual meeting place on October 24, 2007, as it appears upon the minutes of said meeting of the Board of Education.

Date: _____

Superintendent and
Secretary to Board of Education

EXHIBIT A

FORMAL NOTICE OF SCHOOL PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Santa Cruz City Elementary School District of Santa Cruz County, California, that in accordance with the provisions of the Education Code of the State of California, an election will be held on February 5, 2008, at which election the following measure shall be submitted to the qualified electors of the District and voted upon:

"To reduce class size in all elementary grades, support achievement in science, reading, writing, and the arts, and fund school libraries and literacy instruction, shall Santa Cruz City Elementary School District continue its expiring parcel tax for nine years at an annual rate of \$105/parcel, exempting parcels owned/ occupied by senior citizens (65+)? An independent oversight committee will audit spending, with every dollar staying in this community to support local elementary schools and no funds used for administrator salaries."

Tax - Yes Tax - No

All of the purposes enumerated in the foregoing measure shall be united and voted upon as one single measure, with precincts, places of holding the elections and officers appointed to conduct the elections shall be the same as those provided in the Statewide Presidential Primary election to be held on said date, under the notice of election adopted _____.

The County Superintendent of Schools of Santa Cruz County, by this Notice of Election, has called the election pursuant to a Resolution of the Board of Education of the Santa Cruz City Elementary School District, adopted October 24, 2007, in accordance with the provisions of Education Code Sections 5325 and 5361.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 2007.

County Superintendent of Schools,
Santa Cruz County, California