

RESOLUTION NO. 2011-12/14

MAR 08 2012

**BOARD OF TRUSTEES
JEFFERSON UNION HIGH SCHOOL DISTRICT**

MARK CHURCH, Chief Elections Officer
DEPUTY CLERK

**RESOLUTION ORDERING AN ELECTION FOR THE PURPOSE OF
SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT THE
QUESTION OF LEVYING AN EDUCATION PARCEL TAX UPON EACH
PARCEL IN THE DISTRICT FOR EDUCATIONAL PURPOSES AND
ESTABLISHING THE SPECIFICATIONS OF THE ELECTION ORDER**

WHEREAS, the Jefferson Union High School District (the "District") is devoted to providing high quality public education for local high school students; and

WHEREAS, the District has implemented a number of changes to generate sufficient funds for its education programs, including initiation of local fund-raising efforts; and

WHEREAS, the state has cut \$3.4 million from District high schools since 2008, causing reductions to academic programs; and

WHEREAS, the District has already made deep cuts and budget reductions and therefore steps must be taken to help prevent future cuts to critical academic programs and educational staff; and

WHEREAS, the District needs a local source of revenue that cannot be taken away by the state to continue to adequately prepare students for college and high-paying careers; and

WHEREAS, the Board of Trustees (the "Board") of the District has determined that the present revenues of the District are inadequate to fund the cost of education within said District, and

WHEREAS, Section 4 of Article XIII A of the California Constitution and California Government Code Sections 50079 et seq. and 50075 et seq. (the "Law") authorize a school district, upon approval by two-thirds (2/3) of the electorate voting on the measure, to levy a qualified special tax for specified purposes following notice and a public hearing; and

WHEREAS, June 5, 2012 is an established election date and a statewide election date pursuant to the provisions of the California Elections Code; and

WHEREAS, the Board has on this date held a public hearing, which was duly noticed, where all interested persons have been heard on the matter of holding an election in the District on the matter of levying a qualified special tax on each parcel in the District; and

WHEREAS, the Board of Trustees desires at this time to order an election to be held on June 5, 2012 in the District for the purpose of submitting to the voters in the District the matter of levying a qualified special tax on each parcel in the District pursuant to the Law for educational purposes (sometimes referred to herein and in the exhibits attached hereto as an "education parcel tax") and to designate the specifications thereof, pursuant to Education Code Section 5320 et seq. and to request consolidation with all other elections held in the District on such

date, and to request the San Mateo County Registrar of Voters to perform election services for the District; and

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE JEFFERSON UNION HIGH SCHOOL DISTRICT DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

Section 1. Call for Election. The Board hereby orders an election and submits to the electors of the District the question of whether an education parcel tax shall be levied and collected in the District for the specific purposes as set forth more fully in the ballot proposition approved herein and as set forth on Exhibits A and B hereto. This Resolution constitutes the order of the District to call such election and shall constitute the "specifications of the election order" pursuant to Education Code Section 5322.

Section 2. Election Date. The date of the election shall be June 5, 2012, and the election shall be held solely within the boundaries of the District.

Section 3. Purpose of Election; Ballot Proposition. The purpose of the election shall be for the voters in the District to vote on a proposition, a full copy of which is attached hereto and marked Exhibit "A", containing the question of whether the District shall levy an education parcel tax in the District for the specific purposes stated therein, together with the accountability requirements of Government Code Section 50075.1. As required by Education Code Section 5322 and Elections Code Section 13247, the abbreviated form of the measure (75 words) to appear on the ballot is attached hereto and marked as Exhibit "B". The Board of Trustees hereby authorizes and directs the Superintendent or his designee to make any changes to the text of the proposition as required to conform to any requirements of the Law or the San Mateo County Registrar of Voters, which changes shall be evidenced by a direction letter executed by the Superintendent and delivered to the County Registrar of Voters, but only if and to the extent determined to be necessary by legal counsel or as required by the County Registrar of Voters.

Section 4. Authority for Election. The authority for ordering the election is contained in Section 4 of Article XIII A of the California Constitution and California Government Code Sections 50079 et seq. and 50075 et seq. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

Section 5. Type of Tax Rate, and Method of Collection. Said education parcel tax shall be levied in an equal amount against each parcel of taxable real property in the District in the amount of \$48 per parcel for 4 years, commencing with fiscal year 2012-13.

A parcel shall be defined as any unit of land in the District that receives a separate tax bill from the San Mateo County Tax Collector, and shall be collected in the same manner and subject to the same penalty or penalties as other taxes fixed and collected by the County on behalf of the District.

Section 6. Exemptions.

(a) *Otherwise Exempt Property.* All property that would otherwise be exempt from property taxes shall also be exempt from the education parcel tax.

(b) *Senior Citizen Exemption.* An exemption shall be available to persons who are 65 years or older and own and occupy as a principal residence a parcel (as defined in Section 5

above) and apply to the District for such exemption under procedures established by the District or otherwise as required by law or by the San Mateo County Tax Collector.

(c) *Supplemental Security Income Exemption.* An exemption shall be available to persons who receive Supplemental Security Income for a disability, regardless of age, and own and occupy as a principal residence a parcel (as defined in Section 5) and apply to the District for such exemption under procedures established by the District or otherwise as required by law or by the San Mateo County Tax Collector.

Section 7. Accountability Requirements.

(a) *Government Code 50075.1 Requirements.* The members of the Board, the Superintendent and officers of the District are hereby directed, individually and collectively, to comply with the accountability measures pursuant to Government Code Section 50075.1 that include, but are not limited, to the following: (a) the measure shall include a statement indicating the specific purposes of the education parcel tax, (b) the measure shall require that the proceeds of the education parcel tax be applied only to the specific purposes identified in the ballot measure, (c) the measure shall require the creation of an account into which the proceeds of the education parcel tax shall be deposited, and (d) the measure shall require that the District prepare an annual report pursuant to Government Code Section 50075.3 as provided in Section 8 hereof. Such accountability measures shall be set forth on the ballot in the form of Exhibit A attached hereto and incorporated herein by reference.

(b) *Citizens' Oversight Committee.* In addition, the governing board of the District will appoint a Citizens' Oversight Committee with responsibility to review the expenditures of the District from the education parcel tax to ensure the proceeds of the education parcel tax are expended for the specific purposes set forth in the measure, and to prepare an annual report to the District and the public concerning the expenditure of the proceeds of the education parcel tax. The governing board of the District, if the measure is successful, will adopt bylaws governing the administration of the Citizens' Oversight Committee.

Section 8. Annual Report. Pursuant to Government Code Section 50075.3, the Board directs the chief fiscal officer of the District to file a report with the Board each year containing (a) the amount of education parcel tax funds collected and expended and (b) the status of any project required or authorized to be funded from the proceeds of the education parcel tax as identified in the measure.

Section 9. Delivery of this Resolution. The Clerk of the Board is hereby directed to send a copy of this Resolution *for receipt no later than 88 days prior to the June 5, 2012 election date*, as follows:

- (a) County Elections Officer (as required pursuant to Education Code Section 5322 and Elections Code Section 10403),
- (b) County Board of Supervisors (as required pursuant to Elections Code Section 10403), and
- (c) County Superintendent of Schools for the purposes of noticing the election on the measure pursuant to Education Code Section 5325(a).

Section 10. Consolidation of Election. The County Elections Officer and the San Mateo County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 5, 2012, within the District.

Section 11. Ballot Arguments. Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The Superintendent, President of the Board, or their designees, are hereby authorized to execute any document and to perform all acts necessary to place the measure on the ballot.

Section 12. Notice of Election. That the County Elections Officer is hereby requested to prepare a formal Notice of Election in time, form and manner as required by law, and the County Superintendent of Schools is hereby requested to post such notice in accordance with Education Code Section 5325. The suggested form of notice of the election is as follows:

**JEFFERSON UNION HIGH SCHOOL DISTRICT
ELECTION NOTICE**

NOTICE IS HEREBY GIVEN to the qualified electors of the Jefferson Union High School District (the "District") of San Mateo County, that in accordance with law, an election will be held on Tuesday, the 5th of June, 2012 in the District, at which election there will be submitted the question of levying an education parcel tax of \$48 per parcel annually for 4 years, exempting seniors and property owners receiving Supplemental Security Income for a disability, with citizens' oversight, for the purpose of raising money to pay educational costs.

Section 13. Reimbursement for Services Performed. The Jefferson Union High School District agrees to reimburse the County Elections Officer/Registrar of Voters for services performed with respect to the election called herein following completion of such services and upon presentation of a bill.

Section 14. Legal Services. The Board has previously retained the firm of Jones Hall, A Professional Law Corporation as Legal Counsel in connection with its parcel tax proceedings and will continue to use such services pursuant to the legal services agreement previously approved.

Section 15. Election Pursuant to Law. In all particulars not recited in this Resolution, said election shall be held and conducted as provided by law for holding school district elections in the District.

Section 16. Certification by Clerk of the Board That the Clerk of the Board shall certify to the passage and adoption of and shall make minutes of the passage and adoption therefore in the records of the proceedings of the Board of Trustees of the District, in the minutes of the meeting at which the same is passed and adopted.

Section 17. Effective Date. This resolution shall take effect on and after its adoption.

The foregoing Resolution was adopted by the Board of Trustees of the Jefferson Union High School District of San Mateo County, being the Board authorized by law to make the designations therein contained by the following vote, on March 7, 2012.


Adopted by the following votes:

AYES: Trustees Nuris, Frater, Dulany and Matysiak.

NOES: None.


ABSENT: Trustee Luna.

ABSTAIN: None.



President of the Board

Attest:



Clerk of the Board