



RESOLUTION NO. 2008-09.19

RESOLUTION OF THE BOARD OF TRUSTEES  
OF THE PLEASANTON UNIFIED SCHOOL DISTRICT  
CALLING AN ELECTION FOR VOTER  
APPROVAL OF AN EDUCATION PARCEL TAX

**WHEREAS**, the Pleasanton Unified School District (the “District”) is committed to providing high quality public education; and,

**WHEREAS**, the investment in children’s education is beneficial to the economic well-being of our community and our country, and our state allocations for education are not adequate to support the high-quality schools our children need; and,

**WHEREAS**, the District will be significantly impacted by these State budget cuts, thereby potentially threatening the quality of education for our students; and,

**WHEREAS**, to address these State impacts, the District has implemented a comprehensive set of efficiencies and difficult budget cuts; and,

**WHEREAS**, even with significant cuts, without additional funding the District is in danger of eliminating many programs beneficial and necessary to the students who attend the schools; and

**WHEREAS**, continued reliance solely on State funding will result in further loss of critical programs and the continued erosion of local control of the District; and

**WHEREAS**, to ensure a quality education and academic excellence for all students, it is important for schools to have adequate funding to support the outstanding educational programs that can make a difference in a child’s education; and

**WHEREAS**, the District wants to preserve essential educational programs such as:

- Keeping class sizes small
- Providing reading and math intervention and support
- Maintaining quality library services, music programs, and technology instruction
- Continuing counseling services to assist students with educational and social development
- Maintaining safe and clean schools for our children; and,

**WHEREAS**, property values within the District are related to the quality of education available in the District’s public schools; and,

**WHEREAS**, a high-quality public education program delivers many long lasting benefits and advantages to all of the residents of our community; and

**WHEREAS**, Article XIII A, Section 4 of the California Constitution and Sections 50075 et seq., of the California Government Code permit a school district to propose the adoption of a special tax for specified purposes and to levy an education parcel tax following approval by at least two-thirds of the voters voting upon the proposition; and,

**WHEREAS**, the Board of Trustees of the District proposes to establish the levy of an education parcel tax upon parcels of land within the District for the purposes set forth in this Resolution; and

**WHEREAS**, the District has conducted a public hearing in connection with the proposed election regarding a qualified special education parcel tax prior to the adoption of this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Trustees of the Pleasanton Unified School District as follows:

Section 1. This Board of Trustees (the “Board”) finds and determines that the foregoing recitals are true and correct.

Section 2. This Board hereby proposes to establish the levy of an education parcel tax to be used to:

- Keep class sizes small
- Provide reading and math intervention and support;
- Maintain quality library services, music programs, and technology instruction;
- Continue counseling services to assist students with education and social development; and
- Maintain safe and clean schools for our children.

UNDER NO CIRCUMSTANCES SHALL ANY OF THE PROCEEDS OF THE EDUCATION PARCEL TAX BE USED FOR ADMINISTRATORS’ SALARIES. ADMINISTRATORS ARE THOSE EMPLOYEES PAID BY THE DISTRICT’S PUBLISHED MANAGEMENT SALARY SCHEDULE AND INCLUDE THE SUPERINTENDENT.

Pursuant to Government Code Section 50075.1 the Board determines that the proceeds of the education parcel tax shall only be applied for the purposes stated above.

Section 3. The education parcel tax shall be a special tax of \$233 per year assessed against each Parcel

Section 4.As used herein, the term “Parcel” means any parcel of land which lies wholly or partially within the boundaries of the District, for which the Assessor/Tax Collector of Alameda County issues a separate tax bill for *ad valorem* property taxes. The special tax shall be levied in each fiscal year for four (4) full years following voter approval of the tax.

Section 5. Subject to voter approval as set forth below, the education parcel tax shall be levied commencing with the 2009-2010 fiscal year of the District, and shall be collected with, and in the same manner and subject to the same interest and penalties as, general *ad valorem* taxes collected by the Alameda County Tax Collector. In accordance with the requirements of Government Code Section 50075.3, the District shall create a separate account into which the proceeds of the special tax shall be deposited.

Section 6. The levy and collection of the education parcel tax is not intended to decrease or offset any increase in local, state or federal government funding sources that would otherwise be available to the District at any time during which the education parcel tax may be levied. In the event that the levy and collection of the education parcel tax does have such an effect, the District shall reduce the education parcel tax levy to the extent of any such decrease or offset. Additionally, any persons who are either (a) 65 years of age or older or (b) receiving Supplemental Security Income for a disability, regardless of age, and the owner of a Parcel used solely for owner-occupied, single-family residential purposes, may obtain an exemption from the levy of the education parcel tax, by submitting to this Board annually an application of such owners or persons, prior to June 15 of each year.

Section 7. This Board shall provide in each year (pursuant to Section 7902.1 of the Government Code) for any increase in the District’s appropriation limit as shall be necessary to ensure that proceeds of the educational parcel tax may be spent for the authorized purposes.

Section 8. This Board hereby requests that the Alameda County Registrar of Voters submit, in accordance with Elections Code Section 1500, the following measure to the voters of the District and to print this entire Full Ballot Text in the ballot pamphlet to be published and mailed for the special election scheduled for Tuesday, June 2, 2009:

#### INTRODUCTION AND PURPOSE

To ensure reliable funding to preserve educational quality and protect Pleasanton schools from the impact of severe state budget cuts by keeping class sizes small, maintaining essential reading and math support programs, libraries, counseling, music programs, and technology instruction, and maintaining safe and clean schools, with no proceeds used for administrators’ salaries, the Pleasanton Unified School District (PUSD) proposes to establish an education parcel tax for a period of four years, beginning July 1, 2009, at the rate of \$233 per year, on each assessor’s parcel located within the Pleasanton Unified School District, with an

exemption available for senior citizens and recipients of SSI for a disability, and to implement accountability measures in connection with the temporary levy that are over and above those required by law, including the appointment of an independent citizen oversight committee, comprised of Pleasanton residents who are payers of the levy and who are not PUSD employees, to provide oversight and accountability to ensure the funds are used for benefits to our local Pleasanton students such as:

- Maintaining smaller class sizes;
- Providing support for reading and math intervention programs;
- Maintaining school counseling services for students;
- Keeping libraries open and staffed;
- Ensuring students meet today's rigorous technology standards;
- Maintaining clean and safe schools.

#### AMOUNT OF EDUCATION PARCEL TAX; PERIOD OF ASSESSMENT

The education parcel tax shall be \$233 (or less as provided below) per year for four (4) full years assessed against each parcel.

The proceeds of the education parcel tax shall be deposited into a separate account created by the District.

#### DEFINITION OF "PARCEL"

For purposes of this special tax, the term "Parcel" means any parcel of land which lies wholly or partially within the boundaries of the Pleasanton Unified School District, that receives a separate tax bill for *ad valorem* property taxes from the Alameda County Assessor/Tax Collector. All property that is otherwise exempt from or upon which are levied no *ad valorem* property taxes in any year shall also be exempt from the education parcel tax in such year.

#### EXEMPTION FOR SENIORS AND SSI RECIPIENTS

Pursuant to California Government Code Section 50079 (b), any owners of a Parcel used solely for owner-occupied, single-family residential purposes and who are either (a) 65 years of age or older or (b) persons receiving Supplemental Security Income for a disability, regardless of age, may obtain an exemption from the education parcel tax by annually submitting an application, by June 15 of each year, to the Board of Trustees of the Pleasanton Unified School District.

With respect to all general property tax matters within its jurisdiction, the Alameda County Assessor/Tax Collector or other appropriate County tax officials shall make all final determinations of tax exemption or relief for any reason, and that decision shall be final and binding. With respect to matters specific to the levy of the education parcel tax, including the Senior Citizen Exemption and the SSI Exemption and the classification of property

for purposes of calculating the tax, the decisions of the District shall be final and binding.

#### REDUCTION IN TAX IF RESULT IS LESS OTHER GOVERNMENT SUPPORT

The collection of the education parcel tax is not intended to decrease or offset any increase in local, state or federal government revenue sources that would otherwise be available to the Pleasanton Unified School District during the period of the education parcel tax. In the event that the levy and collection does have such an effect, the Pleasanton Unified School District shall cease the levy or shall reduce the education parcel tax to the extent that such action would restore the amount of the decrease or offset in other revenues.

#### ACCOUNTABILITY MEASURES

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 education parcel tax levied in accordance with this Measure: (a) the specific purposes of the education parcel tax shall be those purposes identified above; (b) the proceeds of the education parcel tax shall be applied only to those specific purposes identified above; (c) a separate, special account shall be created into which the proceeds of the education parcel tax must be deposited; and (d) an annual written report shall be made to the Board of Trustees of the District showing (i) the amount of funds collected and expended from the proceeds of the education parcel tax and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the education parcel tax, as identified above.

In addition to the accountability measures required by law, an independent citizen oversight committee with a minimum of seven members shall be appointed by the Board of Trustees of the District to review the expenditures funded by the measure in order to ensure that said funds were spent for the purposes approved by the voters. This committee will be comprised of Pleasanton residents who are payers of the tax and who are not employees of the District. The oversight committee will meet quarterly for the term of the tax and will monitor the expenditures of these funds by the District. The District shall provide quarterly education parcel tax expenditure reports to the Board and oversight committee, and the committee will report on a quarterly basis to the Board and community on how these funds have been spent. The results of the District's annual independent audit will be shared with the oversight committee.

\*End of Full Ballot Text of Measure\*

The abbreviated text of the ballot proposition with respect to the foregoing measure shall read as follows:

“To preserve educational quality and protect Pleasanton schools from severe state budget cuts, keep class sizes small, maintain essential reading and math support programs, libraries, counselors, technology instruction, music, and safe, clean schools with no proceeds used for administrators’ salaries, shall the Pleasanton Unified School District be authorized to levy an annual \$233 parcel tax for four years, with guaranteed audits, senior and disabled exemptions, an independent citizens’ oversight committee and all funds benefitting our Pleasanton students?”

Yes \_\_\_\_\_

No \_\_\_\_\_

The District's Superintendent, after consultation with the Board President, is hereby authorized and directed to make any changes to the text of the measure, or to the abbreviated form of the measure, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of elections officials, and requirements of law.

Section 9. The measure set forth in Section 7 shall be submitted to the voters of the District at an election to be held on June 2, 2009. If approved by at least two-thirds of the voters voting on the measure, the measure shall take effect on July 1, 2009.

Section 10. This Resolution shall stand as the order to the Alameda County Registrar of Voters to call an election within the boundaries of the District on June 2, 2009. This Board requests that the District election be consolidated with any and all elections to be held within the boundaries of the District on June 2, 2009.

Section 11. The Board hereby requests that the Alameda County Registrar of Voters, or other appropriate election official of the County, take all actions which are necessary or appropriate in connection with the election, including, but not limited to, printing and mailing sample ballots, arguments and applications for absentee ballots, canvassing election returns and certifying the results of the election to the Board. The Board hereby agrees to reimburse Alameda County in full for any services performed by the County for the District upon presentation of an invoice to the District.

Section 12. The Secretary of the Board is hereby authorized and directed to deliver a copy of this Resolution to the Alameda County Superintendent of Schools and the Registrar of Voters/Elections Department of Alameda County, as well as the Clerk of the Board of Supervisors of Alameda County, not later than March 6, 2009, and to give notice of the election by causing the Registrar of Voters/Elections Department to publish the text of the measure and other items, not later than 15 days before the date of the election. The Secretary of the Board is hereby further authorized and directed to post a copy of this Resolution on or near the doors of the District Office and in three public places within the District for at least two weeks before the date of the election.

Section 13. If any section, subsection, phrase or clause of this Resolution is for any reason found to be invalid, such section, subsection, phrase or clause shall be severed from, and shall not affect the validity of, all remaining portions of this Resolution which can be given effect without the severed portion.

Section 14. The members of the Board are hereby authorized, but not directed, to prepare and file with the Alameda County Registrar of Voters/Elections Department, a ballot argument in favor of the proposition contained in Section 7 hereof, within the time established by such Department.

Section 15. Subject to two-thirds approval of the voters, the qualified special education parcel tax shall be collected by the Alameda County Tax Collector at the same time and manner and shall be subject to the same penalties as ad valorem property taxes collected by the tax collector. The tax shall bear interest at the same rate for unpaid ad valorem property taxes until paid.

Section 16. The Board shall provide in each year (pursuant to Section 7902.1 of the Government Code) for any increase in the District's appropriations limit as shall be necessary to ensure that proceeds of the qualified special tax may be spent for the authorized purposes.

Section 17. Subject to two-thirds voter approval and prior to adoption of a resolution levying the qualified special tax in any given year, this Board shall conduct a public hearing on the matter. Notice of the time, date, and place of hearing shall be published pursuant to California Government Code Section 6061 posted at least twice in a newspaper of general circulation in the District, posting shall commence at least fifteen (15) days prior to the hearing. Following said hearing this Board may adopt a resolution fixing the amount of tax to be raised and the rates for each type of property. Any tax levied shall become a lien upon the properties against which taxes are assessed and collectible.

Section 18. The Board shall, pursuant to Government Code Section 50075.3, file an annual report as provided herein accounting for the education tax revenues collected and the manner in which they have been spent.

Section 19. The officers of the District are, and each of them acting alone is, hereby directed to take such other actions and to execute such other documents as are necessary to carry out the purposes of this Resolution.

Section 20. Pursuant to Elections Code Section 10400 the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass be made by any body or official authorized by law to canvass the returns of the election, and that the Board consents to such consolidation.

The foregoing Resolution was adopted by the Board of Trustees of the Pleasanton Unified School District at a regular meeting held on March 5, 2009 by the following vote:

	<b>AYES</b>	<b>NOES</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Arkin	_____	_____	_____	_____
Grant	_____	_____	_____	_____
Hintzke	_____	_____	_____	_____
Kernan	_____	_____	_____	_____
Ott	_____	_____	_____	_____

/s/ \_\_\_\_\_  
President, Board of Trustees  
Pleasanton Unified School District

ATTEST:

/s/ \_\_\_\_\_  
Clerk, Board of Trustees  
Pleasanton Unified School District

EXHIBIT A  
FORMAL NOTICE OF PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Pleasanton Unified School District of Alameda County, California, that in accordance with the provisions of the Government Code of the State of California, an election will be held on June 2, 2009, at which election the following proposition shall be submitted to the qualified electors of the District and voted upon:

“To preserve educational quality and protect Pleasanton schools from severe state budget cuts, keep class sizes small, maintain essential reading and math support programs, libraries, counselors, technology instruction, music, and safe, clean schools with no proceeds used for administrators’ salaries, shall the Pleasanton Unified School District be authorized to levy an annual \$233 parcel tax for four years, with guaranteed audits, senior and disabled exemptions, an independent citizens’ oversight committee and all funds benefitting our Pleasanton students?”

The Alameda County Registrar of Voters, by this Notice of Election, has called the election pursuant to a Resolution of the Board of Trustees of the Pleasanton Unified School District, adopted on March 5, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand this day, \_\_\_\_\_, 2009.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EXHIBIT B

**Pleasanton Unified School District**  
**NOTICE OF PUBLIC HEARING**

Please take notice that on Wednesday, March 4, 2009 at 4:30 p.m., in the Pleasanton Unified School District Board Room, 4665 Bernal Avenue, Pleasanton, California 94566, the District's Board of Trustees will consider adopting a resolution proposing to establish a qualified special tax to be submitted for voter approval on June 2, 2009, in an amount not to exceed \$300 per year for a variety of educational programs.