

SAN LEANDRO UNIFIED SCHOOL DISTRICT
San Leandro, California 94579

RESOLUTION NO. 06-01
PROPOSING THE SAN LEANDRO QUALITY EDUCATION ACT
A QUALIFIED SPECIAL TAX
AND
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Education of the San Leandro Unified School District (“the Board of Education”) believes that a qualified special tax is necessary to maintain and enhance quality education for the students of San Leandro Unified School District (“the District); and

WHEREAS, Section 4 of Article XIII A and Section 2 of Article XIII C of the California Constitution and Sections 50075, 50076, 50077, 50079 and 53722 et seq. of the California Government Code authorize a school district, upon approval of two-thirds of the electorate voting on the measure, to levy a qualified special tax for specified purposes following notice and a public hearing; 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 authorize funding to continue the programs identified below;

NOW THEREFORE, THE BOARD OF EDUCATION OF THE SAN LEANDRO UNIFIED SCHOOL DISTRICT HEREBY RESOLVES, DETERMINES AND ORDERS AS FOLLOWS:

Section 1. That the Board has determined in its best judgment that in order to maintain and enhance quality education in San Leandro, an election is advisable and on that basis hereby orders the Alameda County Registrar Voters to call an election and submit to the voters of the District the question of whether to adopt a qualified special tax to maintain and enhance the quality of San Leandro’s public education that has benefited all students and citizens.

Section 2. Said qualified special tax shall be in the amounts and for the purposes set forth in the attached Exhibit A for Six (6) years beginning as of July 1, 2006, assessed against each parcel of taxable land located wholly or partly in the District. A parcel shall be defined as any unit of land located wholly or partly in the District that now receives a separate tax bill from the County of Alameda. All property that would otherwise be exempt from property taxes will also be exempt from the imposition of said qualified special tax. Parcels owned and occupied by eligible persons 65 years of age or older who apply to the District pursuant to an administrative review process shall be exempt from the qualified special tax.

Section 3. That the date of the election shall be April 11, 2006.

Section 4. That the purpose of the election shall be for the voters in the District to vote on a ballot measure, a full copy of which is attached hereto and marked Exhibit A and incorporated by reference herein. As required by California Elections Code section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto as Exhibit B.

Section 5. That the Board has the authority for ordering the election.

Section 6. That the authority for the specifications of this election order is contained in Section 5322 of the California Education Code.

Section 7. That 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 April 11, 2006.

Section 8. That the Secretary of the Board is hereby directed immediately to send a certified copy of this Resolution to the Alameda County Registrar of Voters, the Alameda County Board of Supervisors, and the Alameda County Superintendent of Schools so that said Superintendent receives it no later than January 10, 2006.

Section 9. That the Alameda County Superintendent of Schools is hereby requested to deliver this Resolution, which constitutes the order of election, and a formal notice of the election to the Alameda County Registrar of Voters no later than January 10, 2006. That the Alameda County Superintendent of Schools is hereby requested to perform the duties under Education Code Section 5302, to call the election, prepare recommendations, statements, or arguments for the election as required, and to receive petitions, as necessary.

Section 10. That the Alameda 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 C and to publish and/or post the Notice as required by law.

Section 11. That pursuant to Section 5303 of the Education Code, the Alameda County Registrar of Voters is hereby requested to take all steps incident to the preparation for and the holding of the election in accordance with law and these specifications. The Board requests that the Registrar of Voters deliver a copy of all published notices to the Secretary of this Board pursuant to Section 12113 of the Elections Code.

Section 12. That the Board of Supervisors of Alameda County is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

Section 13. That in accordance with Education Code section 5342 and Elections Code section 10402.5, it is hereby requested that the special election to be held hereunder be consolidated by the Alameda County Registrar of Voters and the Alameda County Board of Supervisors, for all purposes, with any and all other elections also called to be held on April 11, 2006, 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 14. That the Board of Education shall provide in each year, pursuant to Government Code section 7902.1 or any successor provision of law, for any increase in the District’s appropriations limit as shall be necessary to ensure that proceeds of the Special Tax may be spent for the authorized purposes.

Section 15. That subject to two-thirds approval of the voters, the qualified special tax shall become effective as of July 1, 2006 and be collected by the Alameda County Tax Collector

at the same time as and along with, and shall be subject to the same penalties as general *ad valorem* taxes collected by said tax collector. The tax and penalty shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid.

Section 16. That 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 17. That the members of the Board, the Superintendent of the District, and officers of the District are hereby requested and directed, individually and collectively, to provide accountability measures pursuant to Government Code Section 50075.1 that include, but are not limited to, all of the following: (a) A statement indicating the specific purposes of the qualified special tax, (b) a requirement that the proceeds be applied only to the specific purposes identified pursuant to subsection (a), (c) the creation of an account into which the proceeds shall be deposited, and (d) an annual report pursuant to Section 50075.3. of the Government Code, as provided in Section 20 hereof.

Section 18. That pursuant to Section 50075.3 of the Government Code, the Board directs that the chief fiscal officer of the District file a report with the Board no later than January 1, 2008, and at least once a year thereafter. The annual report shall contain both of the following: (a) The amount of funds collected and expended, and (b) the status of any project required or authorized to be funded by said funds.

Section 19. That the District's Superintendent and 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.

ADOPTED, SIGNED, and APPROVED this 4th day of January, 2006.

AYES:

NOES:

ABSTAIN:

ABSENT:

BOARD OF EDUCATION OF THE SAN LEANDRO UNIFIED SCHOOL DISTRICT

By: _____
Board President

ATTEST:

By: _____
Christine Lim
Secretary of the Board of Education
San Leandro Unified School District

STATE OF CALIFORNIA)
)
ALAMEDA COUNTY) ss.

I, Christine Lim, do hereby certify that the foregoing is a true and correct copy of Resolution No. 06-01, which was duly adopted by the Board of Education of the San Leandro Unified School District at meeting thereof held on the 4th day of January, 2006, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By: _____
Christine Lim
Superintendent of Schools
San Leandro Unified School District

EXHIBIT A
(to Resolution 06-01)
FULL TEXT OF SPECIAL TAX MEASURE

THE SAN LEANDRO QUALITY EDUCATION ACT

This proposition may be known and referred to as the San Leandro Quality Education Act.

INTRODUCTION

To provide quality educational programs for San Leandro students, improve school safety, attract and retain quality teachers and staff, restore custodians and update technology, shall the San Leandro Unified School District be authorized to establish the San Leandro Quality Education Act, a special tax of one-and-two-tenths cents (\$0.012) per square foot per parcel for six years, beginning July 1, 2006, offering an exemption to citizens 65 years and older, with expenditures monitored by an independent oversight committee?

This Measure provides the additional funding required to restore, maintain and enhance a quality San Leandro educational program.

PURPOSES

Upon approval of two thirds of those voting on this Measure, the District will be authorized to levy a qualified special tax, known to as and referred to as the San Leandro Quality Education Act, for the following purposes:

A. School Academic and Enrichment Programs: Up to twenty percent (20%) of the available revenues of this Measure shall be dedicated annually to the purpose of providing each District school site School Academic and Enrichment Programs in areas such as music, the arts, athletics, sciences, career technical, alternative/intervention, tutoring and student activities.

B. Improve School Safety at all District Schools: Up to nine-and-one-half percent (9.5%) of the available revenues of this Measure shall be dedicated annually to the purpose of improving school safety at all District schools.

C. Attract and Retain Highly Qualified Teachers and Staff: Up to thirty-three percent (33%) of the available annual revenues of this Measure shall be dedicated annually to the purpose of attracting and retaining highly qualified teachers and staff by (i) providing more competitive salaries; (ii) preventing the elimination of certificated and classified staff positions; (iii) supporting the continuation of student support services; and (iv) supporting the maintenance of existing educational programs.

D. Restore Custodians: Up to nine-and-one-half percent (9.5%) of the available annual revenues of this Measure shall be dedicated annually to the purpose of increasing staffing of custodians.

E. Increase Music and Art Enrichment Programs at Every School: Up to four-and-seven-tenths percent (4.7%) of the available annual revenues of this Measure shall be dedicated annually to the purpose of implementing the 5-year Visual and Performing Arts Plan (drama, music, arts, dance).

F. Enhance Career Technical Education: Up to four-and-seven-tenths percent (4.7%) of the available annual revenues of this Measure shall be dedicated annually to the purpose of providing staffing, program coordination, equipment expansion and upgrades, and start-up computers for career technical education (e.g. an engineering academy).

G. Help At-Risk Middle School Students: Up to four-and-eight-tenths percent (4.8%) of the available annual revenues of this Measure shall be dedicated annually to the purpose of providing a class for at-risk students at the middle school level.

H. Provide Technical Support: Up to eight-and-two-tenths percent (8.2%) of the available annual revenues of this Measure shall be dedicated annually to the purpose of providing computer technical support to each District school and department.

I. Implement Measure: Up to five-and-six-tenths percent (5.6%) of the available annual revenues of this Measure shall be dedicated annually to the purpose of providing necessary clerical and office support in order to implement this Measure.

The Board of Education will fund all of the programs listed above, unless the Board of Education determines in any given year that changes in student population, fiscal constraints, or other changes in state or federal funding make doing so infeasible or inadvisable. In any event, the Board of Education will not fund any program or reduction other than those listed above from the proceeds of the special taxes.

The San Leandro Quality Education Act would be in effect for a period of Six (6) years, beginning July 1, 2006, at the rates shown below, on each assessor's parcel located wholly or partly within the school district.

PROCEDURES

Each year as part of the annual budget adoption process, the Board of Education will determine the total amount of expenditures necessary to provide a superior educational program including the specialized services and programs enumerated above and deduct therefrom the projected revenue to be gathered from sources other than this special tax. The difference, if any, shall be the maximum amount of funds to be derived from the tax authorized by this measure for such year. If the necessary funds are such that the maximum rates set forth below are not needed, then the Board of Education shall reduce these rates proportionately so that only the necessary amount of funds is raised.

Prior to the levying of the special tax in any given year, the Board will conduct a public hearing on the matter. Notice of the time, date, and place of hearing shall be published pursuant to Government Code Section 6061 at least once in a newspaper of general circulation in the District, at least fifteen (15) days prior to the hearing. Following said hearing each year, the Board shall adopt a resolution establishing the amount of tax to be raised for that year and the rate per parcel, not to exceed the rates and amounts enumerated below. Any tax levied shall become a lien upon the properties against which taxes are assessed and collectible as herein provided.

RATES

The special tax shall be levied on all parcels of property in the San Leandro Unified School District, except where such parcels are otherwise exempt from taxation. The tax levied shall be at the rate of one-and-two-tenths cents (\$0.012) per square foot per parcel per year, on all residential, commercial, industrial and institutional parcels, whether such parcels are improved or unimproved.

An exemption shall be granted for any parcel owned and occupied by one or more persons 65 years of age or older who occupy the parcel as a principal residence, following a one-time application for exemption.

ACCOUNTABILITY AND COMPLIANCE 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 special taxes levied in accordance with this Measure:

(a) Proceeds of this San Leandro Quality Education Act shall be deposited into a resource fund which shall be kept separate and apart from other funds in the District and shall be applied only as set forth in this Measure.

(b) An Annual Report, including the revenues generated by this San Leandro Quality Education Act, the expenditures of these monies, and the status of any projects funded by these monies, shall be produced by the Assistant Superintendent – Business of the District for the Board of Education no later than January 1 of the year following the fiscal year during which the monies were expended. In addition, the regular interim reporting of the Measure's fund balances given to the Board of Education shall also be transmitted directly to the Quality Education Oversight Committee (below).

(c) To ensure additional accountability, the Quality Education Oversight Committee, an independent volunteer community committee, shall oversee all expenditures funded by the measure to ensure that said funds are spent in accordance with the purposes approved by the voters. This committee shall monitor the expenditures of these funds by the District and shall report annually to the community at a public board meeting on how these funds have been spent.

The committee shall be composed of members nominated as follows:

- (1) One parent/legal guardian member nominated by each of the District's School Site Councils.
- (2) One parent/legal guardian member nominated by the District English Language Advisory Committee (DELAC).
- (3) One employee member nominated by each of the District's employee unions/associations.
- (4) Two members residing within the San Leandro Unified School District boundaries nominated by the City of San Leandro.
- (5) Two members nominated by the San Leandro Chamber of Commerce.
- (6) One member nominated by the Rental Housing Owners Association of Southern Alameda County.
- (7) One senior citizen member residing within the San Leandro Unified School District boundaries nominated by the City of San Leandro Senior Commission.
- (8) One San Leandro High School (SLHS) student member nominated by the SLHS principal.
- (9) One Lincoln High School student member nominated by the Lincoln High School principal.
- (10) One member nominated by the District's Superintendent of Schools.

All nominations shall be confirmed by the Board of Education.

(d) Each year, in connection with the annual audit of the District's finances, an independent auditor retained by the District shall determine whether funds generated by this Measure have been allocated and expended in compliance with the conditions of the Measure, generally accepted accounting principles, and the Standards and Procedures for Audits of California K-12 Local Educational Agencies.

(e) The above provisions shall be in addition to civil remedies available at law for assuring compliance with the terms of this Measure.

PROTECTION OF FUNDING

Current law forbids any decrease in State or Federal funding to the District because of the District's adoption of a parcel tax. However, if any such funds are reduced because of the adoption of this parcel tax, then the amount of the special taxes will be reduced annually as necessary in order to restore such State or Federal funding.

EXHIBIT B
SPECIAL TAX MEASURE
For
SAN LEANDRO UNIFIED SCHOOL DISTRICT
(Abbreviated Form) *

“To provide quality educational programs for San Leandro students, improve school safety, attract and retain quality teachers and staff, restore custodians and update technology, shall the San Leandro Unified School District be authorized to establish the San Leandro Quality Education Act, a special tax of one-and-two-tenths cents (\$0.012) per square foot per parcel for six years, beginning July 1, 2006, offering an exemption to citizens 65 years and older, with expenditures monitored by an independent oversight committee?”

Tax- Yes

Tax - No

*Limited to 75 words pursuant to California Elections Code Section 13247

EXHIBIT C

FORMAL NOTICE OF SCHOOL PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the San Leandro Unified School District of Alameda County, California, that in accordance with the provisions of the Education Code of the State of California, an election will be held on April 11, 2006, at which election the following measure shall be submitted to the qualified electors of the District and voted upon:

“To provide quality educational programs for San Leandro students, improve school safety, attract and retain quality teachers and staff, restore custodians and update technology, shall the San Leandro Unified School District be authorized to establish the San Leandro Quality Education Act, a special tax of one-and-two-tenths cents (\$0.012) per square foot per parcel for six years, beginning July 1, 2006, offering an exemption to citizens 65 years and older, with expenditures monitored by an independent oversight committee?”

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 local consolidated election, under the notice of election adopted January 4, 2006.

The County Superintendent of Schools of Alameda County, by this Notice of Election, has called the election pursuant to a Resolution of the Board of Education of the San Leandro Unified School District, adopted January 4, 2006, in accordance with the provisions of Education Code Sections 5325 and 5361.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 2006.

Sheila Jordan
County Superintendent of Schools
Alameda County, California