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08-00697

Resolution No. 07/08-43

JUL 15 2008

**RESOLUTION OF THE BOARD OF EDUCATION  
OF THE SANTA BARBARA ELEMENTARY SCHOOL DISTRICT  
CALLING AN ELECTION FOR VOTER APPROVAL OF  
AN EDUCATION PARCEL TAX, ESTABLISHING SPECIFICATIONS OF THE  
ELECTION ORDER, AND REQUESTING TO CONSOLIDATE THIS ELECTION WITH THE  
PRESIDENTIAL GENERAL ELECTION HELD ON NOVEMBER 4, 2008**

**WHEREAS**, the Santa Barbara Elementary School District (the "District") is committed to offering a high-quality educational program to all students in the District, and due to inadequate state funding, increased local revenues are necessary to meet this goal;

**WHEREAS**, California Constitution, Article XIII A, section 4, and Government Code sections 50075 *et seq.* authorize the District, upon approval of a two-thirds vote of the electorate, to levy qualified special taxes on property in the District for the purpose of providing quality education programs in the District and other lawful purposes of the District;

**WHEREAS**, an adequately funded and well-developed public education program provides numerous benefits and advantages to all of the residents of the community;

**WHEREAS**, in the judgment of the Board of Education (the "Board"), following public hearing and comment, it is advisable to request that the Santa Barbara County Registrar of Voters (the "County Registrar") call an election and submit to the voters of the District the question of whether the District shall implement a special tax levy to be known as the education parcel tax, within the District for the purpose of raising additional revenue for the District;

**WHEREAS**, pursuant to Educational Code section 5342 and Elections Code sections 10400, 10402, and 10403 such election may be completely or partially consolidated with any other election held on the same day and in the territory or territory that is in part the same;

**WHEREAS**, none of the money levied would be used for administrative salaries;

**WHEREAS**, charter schools authorized by the District would share in the funding, proportional to the enrollment of students from the Santa Barbara Elementary School District;

**WHEREAS**, an independent citizens' oversight committee will monitor the funds to make sure they are spent properly;

**WHEREAS**, senior citizens, many of whom live on fixed income, may be exempt from the measure;

Adams Elementary School	Harding Elementary School	Peabody Charter School	Goleta Valley Junior High School	Dos Pueblos High School
Cesar Chavez Charter School	McKinley Elementary School	Roosevelt Elementary School	La Colina Junior High School	La Cuesta Continuation High School
Cleveland Elementary School	Monroe Elementary School	Santa Barbara Charter School	La Cumbre Junior High School	San Marcos High School
Franklin Elementary School	Open Alternative School	Santa Barbara Community Academy	Santa Barbara Junior High School	Santa Barbara High School
		Washington Elementary School		

**WHEREAS**, the measure raises local tax revenue the state cannot remove from local control;

**WHEREAS**, with billions of dollars in educational funding cuts from the State budget, our schools need local tax dollars to help pay for the necessary programs to educate our children;

**WHEREAS**, the measure provides a stable and consistent funding source for our local school needs;

**WHEREAS**, the District will make no commitments beyond four years to maintain programs paid for by the parcel tax;

**WHEREAS**, the operating expenses of programs paid for by the parcel tax would not exceed the normal indirect rate permitted by the state; and

**WHEREAS**, a November 2008 ballot item would cost far less than the estimated \$500,000-\$600,000 necessary for a special election.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Education of the Santa Barbara Elementary School District as follows:

Section 1. Recitals. The Board finds and determines that the foregoing recitals are true and correct.

Section 2. Purposes of the Tax. The Board hereby proposes to adopt an education parcel tax to be used for the purposes of:

- Supplementing math, science, and technology education;
- Offering classroom music programs; and
- Protecting the taxpayers' investment in education and ensuring District accountability by providing for a Proposition 39-model citizens oversight committee and independent financial audits of revenues and expenditures.

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. Amount and Duration of the Tax. The education parcel tax shall be a parcel tax of \$27 per year assessed against each Parcel. As used herein, the term "Parcel" means any parcel of land that lies wholly or partially within the boundaries of the District, for which the Assessor of the County of Santa Barbara, as applicable, has assigned an assessor's parcel number. The special tax shall be levied in each fiscal year for four (4) years beginning in the fiscal year starting July 1, 2009 and ending in the fiscal year beginning July 1, 2012.

Section 4. Method of Collection. Subject to voter approval as set forth below, the education parcel tax shall be levied in the manner described herein and shall be collected with and subject to the same interest and penalties as, general *ad valorem* taxes collected by the Santa Barbara County Treasurer and Tax Collector, as applicable. In accordance with the requirements of Government Code section 50075.1(c), the District shall create a separate restricted fund into which the proceeds of the special tax shall be deposited.

Pursuant to the California Government Code section 50079 (b), any owners who are 65 years of age or older of a Parcel used solely for owner-occupied, single-family residential purposes may obtain an exemption from the education parcel tax by annually submitting an application by June 15 of each year to the District's Board in accordance with rules and regulations adopted by the Board.

Section 5. Appropriations Limit. The Board shall provide in each year (pursuant to Government Code section 7902.1) for any increase in the District's appropriations limit as shall be necessary to ensure that proceeds of the educational parcel tax may be spent for the authorized purposes.

Section 6. Election Order; Ballot Measure. Pursuant to Government Code sections 50079 and 50077, an election shall be held within the boundaries of the Santa Barbara Elementary School District on Tuesday, November 4, 2008, submitting to the voters of the District the measure as set forth in Exhibit B hereto, which, if approved by at least two-thirds of the voters voting on the measure, will take effect on July 1, 2009. Exhibit B hereto shall comprise the full text of the measure.

Section 7. Abbreviated Statement of the Measure. Pursuant to Elections Code section 13247, the statement of the measure submitted to the voters shall be abbreviated on the ballot as follows:

"To offset severe state budget cuts to our schools, protect the quality of education, enhance math, science, and technology education and offer classroom music programs at the elementary school level, shall Santa Barbara Elementary School District be authorized to implement a \$27 annual parcel tax for four years, with an available exemption for senior citizens, with independent citizen oversight, without administrative salaries, and with every dollar staying in our local schools?"

Yes \_\_\_\_\_ No \_\_\_\_\_

Section 8. Changes to Text. The District's Superintendent, or designee, is hereby authorized and directed to make any changes to the text of the measure, or to the abbreviated statement of the measure, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of elections officials, and the requirements of law.

Section 9. Consolidation with Other Elections. Pursuant to Education Code sections 5342 and Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the County of Santa Barbara is requested to order consolidation of the parcel tax election with the Presidential General Election to be held on November 4, 2008, in the same territory or in territory that is in part the same.

Section 10. County Officials to Call and Conduct Election. Pursuant to Education Code sections 5302 and 5303, the Santa Barbara County Superintendent of Schools and the Santa Barbara County Registrar of Voters are hereby requested to take all steps to call and hold the election in accordance with law and these specifications.

Section 11. Canvass of Returns. The Board of Supervisors of Santa Barbara County is authorized to canvass the returns of the election pursuant to Elections Code section 10411.

**Section 12. Services of Registrar of Voters.** Pursuant to Education Code section 5303 and Elections Code section 10002, the Board hereby requests that the Santa Barbara County Registrar of Voters render all services specified by Elections Code section 10418 relating to 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 the County of Santa Barbara in full for any services performed for the District upon presentation of an invoice to the District.

**Section 13. Specifications of the Election Order.** The foregoing specifications of the election order are made pursuant to Education Code section 5322.

**Section 14. Delivery of Specifications of the Election Order.** Pursuant to Santa Barbara County Clerk, Recorder and Assessor, the Secretary of the Board is hereby directed to deliver, not later than Thursday, July 3, 2008, a copy of this Resolution to the Santa Barbara County Superintendent of Schools and the Santa Barbara County Registrar of Voters and, pursuant to Elections Code section 10403, a copy of this resolution to the Santa Barbara County Board of Supervisors.

**Section 15. Formal Notice of Election.** The Santa Barbara County Superintendent of Schools is hereby requested to prepare and execute a Formal Notice of Election (the "Notice of Election") containing the information specified in Education Code section 5361, in substantially the form attached hereto as Exhibit A. The District hereby requests the Santa Barbara County Superintendent of Schools, in accordance with Education Code section 5362, to post a copy of Notice of Election in public view at every schoolhouse in the District and at three public places within the District not later than 90 days prior to the date of the election, or otherwise cause the notice to be published as permitted by law.

**Section 16. Separability.** 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 that can be given effect without the severed portion.

**Section 17. Ballot Argument.** The members of the Board are hereby authorized, but not directed, to prepare and file with the Santa Barbara County Registrar of Voters/Elections Department a ballot argument in favor of the measure contained in Section 7 hereof, within the time established.

**Section 18. General Authorization with Respect to the Election.** The members of the Board, the District's Superintendent, and the other officers of the District, and each of them individually, are hereby authorized and directed 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. 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.

The foregoing Resolution was adopted by the Board of Education of the Santa Barbara Elementary School District on June 27, 2008, by the following vote:

AYES: 4  
NOES: 0  
ABSENT: 1  
ABSTAIN:

/s/ Kate Farke  
Vice President, Board of Education  
Santa Barbara Elementary School District

ATTEST:

/s/ [Signature]  
Clerk, Board of Education  
Santa Barbara Elementary School District

**EXHIBIT A  
FORMAL NOTICE OF PARCEL TAX ELECTION**

**NOTICE IS HEREBY GIVEN** to the qualified electors of the Santa Barbara Elementary School District of Santa Barbara County, California, that in accordance with the provisions of the Government Code of the State of California, an election will be held on November 4, 2008, at which election the following measure shall be submitted to the qualified electors of the District and voted upon:

"To offset severe state budget cuts to our schools, protect the quality of education, enhance math, science, and technology education and offer classroom music programs at the elementary school level, shall Santa Barbara Elementary School District be authorized to implement a \$27 annual parcel tax for four years, with an available exemption for senior citizens, with independent citizen oversight, without administrative salaries, and with every dollar staying in our local schools?"

Yes \_\_\_\_\_ No \_\_\_\_\_

The Santa Barbara County Superintendent of Schools, by this Notice of Election, has called the election pursuant to a Resolution of the Board of Education of the Santa Barbara Elementary School District, adopted June 27, 2008.

Dated:

July 2, 2008

  
\_\_\_\_\_  
Santa Barbara County Superintendent of Schools

## EXHIBIT B

### MEASURE “ ”

#### Santa Barbara Elementary School District

#### INTRODUCTION AND PURPOSE

To continue to provide local revenue that cannot be taken by the State and to maintain the high quality of community schools, the Santa Barbara Elementary School District proposes to adopt an education parcel tax for a period of 4 years, beginning July 1, 2009, at the rate of \$27 per year, without increase, on each parcel located within the Santa Barbara Elementary School District, with an exemption available for senior citizens, and to implement accountability measures in connection with the special assessment that are over and above those required by law, including the appointment of an independent community advisory board (citizen’s review committee) to provide oversight and accountability to ensure the funds are used for:

- Supplementing math, science, and technology education;
- Offering classroom music programs; and
- Protecting the taxpayers’ investment in education and ensuring District accountability by providing for a Proposition 39-model citizens oversight committee and independent financial audits of revenues and expenditures.

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

The education parcel tax shall be \$27 (or less as provided below) per year for four (4) years assessed against each parcel within the boundaries of the Santa Barbara Elementary School District. The proceeds of the education parcel tax shall be deposited into a separate account created by the District.

#### DEFINITION OF “PARCEL”

For purposes of the special tax, the term “Parcel” means any parcel of land that lies wholly or partially within the boundaries of the Santa Barbara Elementary School District, for which the Assessor of the County of Santa Barbara, as applicable, has assigned an Assessor’s parcel number.

#### EXEMPTION OF SENIORS

Pursuant to California Government Code section 50079 (b), any owners who are 65 years of age or older of a Parcel used solely for owner-occupied, single-family residential purposes may obtain an exemption from the education parcel tax by annually submitting an application by June 15 of each year to the Board of Education of the Santa Barbara Elementary School District in accordance with rules and regulations adopted by the Board.

#### 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 and shall not be spent on administrative salaries; (c) a separate, restricted fund 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 Education 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, and (e) an annual independent financial audit of revenues and expenditures shall be required.

In addition to the accountability measures required by law, an independent community oversight committee shall be appointed by the Board of Education to advise the Board on the expenditures funded by the measure in order to ensure that said funds are spent for the purposes approved by the voters. The oversight committee will monitor the expenditures of these funds by the District and its charter schools will report on an annual basis to the Board and community on how these funds have been spent.

#### **DISTRIBUTION OF PARCEL TAX FUNDS**

Charter schools authorized by the district shall share in the parcel tax funding, proportional to the enrollment of students from the Santa Barbara School Districts.