



Santa Barbara Unified School District

720 Santa Barbara Street, Santa Barbara, CA 93101 Phone 805-963-4338, TDD 805-966-7734, Fax 805-962-3146
www.sbsd.k12.org

Resolution No. 2011/2012-65

RESOLUTION OF THE BOARD OF EDUCATION OF THE SANTA BARBARA UNIFIED SCHOOL DISTRICT CALLING AN ELECTION FOR VOTER APPROVAL OF AN ELEMENTARY EDUCATION PARCEL TAX WITHIN THE BOUNDARIES OF THE FORMER SANTA BARBARA ELEMENTARY SCHOOL DISTRICT, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING TO CONSOLIDATE THIS ELECTION WITH THE PRESIDENTIAL ELECTION TO BE HELD ON NOVEMBER 6, 2012

WHEREAS, the Santa Barbara Unified 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, by way of Assembly Bill 504 (Chapter 276, Statutes of 2011) the provisions of Education Code section 35560 were amended to authorize the District to establish special taxes, following a prior vote of approval within that territory of the District previously known as the Santa Barbara Elementary School 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 elementary education parcel tax, within that portion of the District previously known as the Santa Barbara Elementary School District (or Santa Barbara School 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 administrator salaries or benefits;

WHEREAS, elementary charter schools authorized by the District would share in the funding, proportional to the enrollment of elementary charter students from the attendance area of the elementary schools within the Santa Barbara Unified School District;

WHEREAS, with independent financial audits and a mandatory independent citizens' oversight committee the funds will be monitored to make sure they are spent properly;

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

WHEREAS, the measure raises dedicated local 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 revenue 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.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Santa Barbara Unified 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 elementary education parcel tax within that portion of the District previously known as the Santa Barbara Elementary School District in order to continue providing dedicated local revenue that will otherwise expire for the following elementary level purposes:

- Maintain and protect math, science and technology education
- Maintain and protect classroom music
- Help maintain class sizes
- Attracting and retaining quality teachers with no funding of administrator salaries or benefits
- Protecting the taxpayers' investment in education and ensuring District accountability by providing for a mandatory 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 elementary education parcel tax shall be a parcel tax of \$48 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 former Santa Barbara Elementary School 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, 2013 and ending in the fiscal year beginning July 1, 2016.

Section 4. Method of Collection. Subject to voter approval as set forth below, the elementary 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 elementary 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 elementary 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 former Santa Barbara Elementary School District on Tuesday, November 6, 2012, 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, 2013. 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 set forth in Exhibit A hereto to read as follows:

“To offset severe state budget cuts to our elementary schools and to continue providing dedicated local funding that will otherwise expire for classroom music, math, science and technology education, and help maintain class sizes, shall Santa Barbara Unified School District levy an annual \$48 parcel tax for four years, that can't be taken away by the state, with exemptions available for seniors, mandatory independent citizen oversight, and no funds for administrator salaries or benefits?”

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 Election to be held on November 6, 2012 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 Education Code section 5322, the Secretary of the Board is hereby directed to deliver, not later than Thursday, June 28, 2012 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 within that portion of the District previously known as the Santa Barbara Elementary School 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. Severability. 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 District's 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 District's 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 Unified School District on June 26, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

/s/ _____

President, Board of Education
Santa Barbara Unified School District

ATTEST:

/s/ _____

Clerk, Board of Education
Santa Barbara Unified School District

EXHIBIT A
FORMAL NOTICE OF PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors within that portion of the Santa Barbara Unified School District previously known as 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 6, 2012, 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 elementary schools and to continue providing dedicated local funding that will otherwise expire for classroom music, math, science and technology education, and help maintain class sizes, shall Santa Barbara Unified School District levy an annual \$48 parcel tax for four years, that can’t be taken away by the state, with exemptions available for seniors, mandatory independent citizen oversight, and no funds for administrator salaries or benefits?”

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 Unified School District, adopted June 26, 2012.

Dated: _____

Santa Barbara County Superintendent of Schools

EXHIBIT B

MEASURE B

Santa Barbara Elementary School District

INTRODUCTION AND PURPOSE

To offset severe state budget cuts to our elementary schools with continued dedicated local funding that cannot be taken by the State and to maintain and protect the high quality of elementary school programs, the Santa Barbara Unified School District proposes to adopt an elementary education parcel tax for a period of 4 years, beginning July 1, 2013, at the rate of \$48 per year, on each parcel located within the former Santa Barbara Elementary School District, with an exemption available for senior citizens, a prohibition on spending for administrator salaries or benefits, and with accountability measures that are over and above those required by law, including independent financial audits and a mandatory independent citizen's review committee to provide oversight and accountability, to be used for the following elementary level purposes:

- Maintain and protect math, science and technology education
- Maintain and protect classroom music
- Help maintain class sizes
- Attracting and retaining quality teachers

AMOUNT OF ELEMENTARY EDUCATION PARCEL TAX; PERIOD OF ASSESSMENT

The elementary education parcel tax shall be \$48 per year for four (4) years assessed against each parcel with the boundaries of the former Santa Barbara Elementary School District. The proceeds of the elementary 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 former Santa Barbara Elementary School District (also known as the Santa Barbara 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 elementary education parcel tax by annually submitting an application by June 15, of each year to the Board of Education of the Santa Barbara Unified 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 elementary 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 Education of the District showing (i) the amount of funds collected and expended from the proceeds of the elementary education parcel tax and (ii) the status of any projects or programs

required or authorized to be funded from the proceeds of the elementary education parcel tax, as identified above.

In addition to the accountability measures required by law, there shall be an annual independent financial audit performed and a mandatory independent community oversight committee shall be appointed by the Board of Education to advise the Board on 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 will report on an annual basis to the Board and community on how these funds have been spent.

DISTRIBUTION OF PARCEL TAX FUNDS

Elementary charter schools authorized by the district shall share in the parcel tax funding, proportional to the enrollment of elementary charter students in Santa Barbara Unified School District elementary schools.