

**SCOTTS VALLEY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 12-012**

RESOLUTION OF THE BOARD OF TRUSTEES OF THE SCOTTS VALLEY UNIFIED SCHOOL DISTRICT CALLING AN ELECTION FOR VOTER APPROVAL OF AN EDUCATION PARCEL TAX AND ESTABLISHING THE SPECIFICATIONS OF THE ELECTION ORDER.

WHEREAS, the Scotts Valley Unified School District (the “District”) is committed to offering a high quality public education to all students in the District and despite continued reductions in State funding for Scotts Valley schools, student achievement scores have continued to rise and remain among the highest in Santa Cruz County; and

WHEREAS, the District values its highly qualified teachers who are essential to the high quality public education offered in the District; and

WHEREAS, the State is an unreliable partner when it comes to funding education and funding for the District has been reduced substantially in the past several years, and future funding is projected to be even lower, and will be inadequate to provide the level of support to the District’s educational programs that the residents of the District expect and the students need; and

WHEREAS, the District has implemented drastic reductions in staff and programs that do not generate funds, and such acts reflect our efforts to manage the funds we have, even as we support SVEF, PTA, et al, with local fund-raising; and

WHEREAS, while every effort has been made to keep cuts away from the classroom by implementing staff furlough days and by reducing administrative costs but not reducing the number of instructional days, the current budget deficit will require severe reductions to academic programs and staff which will impact classroom instruction for every student in District schools; and

WHEREAS, the Board of Trustees (the “Board”) has been forced to implement approximately \$3 million in budget cuts since 2007 which have resulted in increased class sizes, reductions to and/or elimination of GATE (Gifted and Talented Education) and other valuable academic programs, reductions in school counseling, reduced salaries for every employee in the District, and the loss of excellent teachers and staff as a result of layoffs; and

WHEREAS, to help minimize the impact of further cuts and maintain the quality of education for Scotts Valley children, the Board has determined that stable local funding from an education parcel tax measure is necessary to maintain our excellent local schools; 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 education 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 desires to apply all the proceeds of the education parcel tax to the protection of student programs and not for administrator salaries or benefits; and

WHEREAS, the Board desires to seek a local education parcel tax because the revenues of such can only benefit local Scotts Valley schools and cannot be taken by the State of California or other school districts; and

WHEREAS, in the judgment of the Board, following public hearing and comment, it is advisable to request that the Santa Cruz County Clerk/Elections Department call an election and submit to the voters of the District the question whether the District shall levy an education parcel tax within the District for the purpose of raising additional revenue for the District; and

WHEREAS, pursuant to Education 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 same territory or territory that is in part the same;

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

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

Section 2. The Board hereby proposes to establish the levy of an education parcel tax that will maintain stable local funding that the State cannot take away and will to be used solely to pay direct costs for classroom teachers for the purposes of:

- Maintaining reading and writing skills in all grades;
- Maintaining programs in mathematics and sciences in all grades;
- Retaining highly qualified teachers; and
- Minimizing further increases in class size.

UNDER NO CIRCUMSTANCES SHALL ANY OF THE PROCEEDS OF THE EDUCATIONAL PARCEL TAX BE USED FOR ADMINISTRATORS' SALARIES OR BENEFITS; FOR THE PLANNING, DESIGN, CONSTRUCTION, REPAIR OR MAINTENANCE OF CAPITAL FACILITIES; FOR THE ACQUISITION OF FURNITURE, FIXTURES OR EQUIPMENT; FOR ANY SALARY OR BENEFIT EXPENDITURES FOR NON-CLASSROOM PERSONNEL; OR FOR ANY OTHER CAPITAL OR OPERATIONAL EXPENSES.

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 parcel tax of \$48 per year assessed against each parcel.

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 Santa Cruz County issues a separate tax bill for *ad valorem* property taxes; provided, however, that any such parcels which are (i) contiguous, (ii) used solely for owner-occupied, single-family residential purposes, and (iii) held under identical ownership, may, by submitting an application of the owners thereof by June 30 of any year, to the District be treated as the single parcel for purposes of the levy of this special tax. The special tax shall be levied in each fiscal year for three(3) full years following voter approval of the tax.

Section 4. Subject to voter approval as set forth below, the education parcel tax shall be levied commencing with the 2012-2013 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 Santa Cruz 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 education parcel tax shall be deposited.

Section 5. 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 does have such an effect, the District shall reduce the education parcel tax levy to the extent of any such decrease or offset.

In addition, any landowner 65 years of age or older or receiving Supplemental Social Security Income (“SSI Exemption”) for a disability regardless of age, 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 an application of such owners or persons by June 30 of any year to the District. Unless the ownership of the property is legally transferred, said exemptions shall remain in effect over the life of the measure unless voluntarily rescinded in writing by the owner.

The District shall, during the 3-month period from April 1 through June 30 in any year preceding the anticipated levy of the tax, undertake a proactive outreach program to all persons potentially eligible for the exemption to the education parcel tax. Such outreach should include, but not necessarily be limited to, a print advertisement once per week for each week between April 1 and June 30, in both the Santa Cruz Sentinel and Scotts Valley Banner fully explaining the right to the tax exemption and instructions for obtaining an exemption application form. Written acknowledgement of any submitted tax exemption application shall be mailed to each applicant, together with indications of the granting or denial of the exemption. Any denial shall state the basis on which it was made and shall provide instructions for the appeal of the decision.

Section 6. 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 7. The Board hereby requests that the Santa Cruz County Registrar of Voters submit the following measure to the voters of the District and to print this entire Full Ballot Text in the ballot pamphlet for the election scheduled for Tuesday June 5, 2012:

SCOTTS VALLEY UNIFIED SCHOOL DISTRICT
Scotts Valley Schools Education Parcel Tax Measure “__”

INTRODUCTION AND PURPOSE

To maintain quality educational programs and skills in reading and writing, programs in mathematics and sciences, retain highly qualified teachers, and to minimize further increases in class size, the Scotts Valley Unified School District (the “District”) proposes to establish an education parcel tax measure for a period of three years beginning July 1, 2012 at the rate of \$48 per year, on each assessor’s parcel located within the Scotts Valley Unified School District, with **an exemption available for senior citizens** and any person receiving Supplemental Social Security Income (“SSI Exemption”) for a disability, and to implement accountability measures that are over and above those required by law, including the appointment of an **independent citizen oversight** committee to provide oversight and accountability to ensure the funds are used for:

- Maintaining reading and writing skills in all grades;
- Maintaining programs in mathematics and sciences in all grades;
- Retaining highly qualified teachers; and
- Minimizing further increases in class size.

AMOUNT OF EDUCATION PARCEL TAX; PERIOD OF ASSESSMENT

The education parcel tax shall be \$48 (or less as provided below) per year for three (3) 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 the special tax, the term “parcel” means any parcel of land which lies wholly or partially within the boundaries of the Scotts Valley Unified School District, that receives a separate tax bill for *ad valorem* property taxes from the Santa Cruz 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.

For purposes of this special tax, any such “parcels” which are (i) contiguous, (ii) used solely for owner-occupied, single-family residential purposes, and (iii) held under

identical ownership may, by submitting an application of the owners thereof by June 30 of any year to the Scotts Valley Unified School District be treated as a single “parcel” for purposes of the levy of this education parcel tax.

EXEMPTION FOR SENIORS AND SSI RECIPIENTS

Pursuant to the California Government Code Section 50079 (b), any owners of a parcel who are 65 years of age or older and any person receiving Supplemental Social Security Income (“SSI”) for a disability regardless of age, 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 an application of such owners or persons by June 30 of any year of the measure to the District. Unless the property is transferred, said exemptions shall remain in effect over the life of the measure unless voluntarily rescinded in writing by the owner.

With respect to all general property tax matters within its jurisdiction, the Santa Cruz 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 and SSI exemption for a disability and the classification of property for purposes of calculating the tax, the decisions of an administrative panel established by the District Board shall be final and binding. Said administrative appeal panel shall be composed of three (3) members who serve two-year terms, without compensation. Panel members shall be appointed by majority vote of the Board and include the following persons residing within the District:

- (a) One member who is a taxpayer in the District and active in a service organization operating within the District;
- (b) One member who is a taxpayer in the District and active in a senior citizens organization; and
- (c) One member who is a taxpayer in the District and not a member of either (a) or (b).

No employee or official of the District may be appointed to the panel; however, the District Superintendent shall assign a paid District employee to serve as the panel’s staff. Meetings of the panel shall be open to the public, with notice provided in the same manner as for meetings of the District’s Board. The panel shall issue timely written reports of its determinations to the Board of Trustees and its proceedings and reports shall be available to the public, including availability to the public via the internet.

REDUCTION OR ELIMINATION OF THE EDUCATION PARCEL TAX UPON SUFFICIENT INCREASE IN STATE FUNDING

The levy and collection of the education parcel tax is intended to offset to some extent, the impact of several years of State funding shortfalls. If total State funding to the District equals or exceeds the amount received in the school year 2006-2007, adjusted for inflation per the COLA (Cost of Living Adjustment) factor, as of June 30 in any year during the life of this measure, the Board will declare that there is no need for the tax for the following year and will instruct the Santa Cruz County Assessor to not include the tax on the following year's tax bill.

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 District during the period of the education parcel tax. In the event that the levy and collection does have such an effect, the 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 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) the district shall appoint an independent citizens' oversight committee to review the expenditures of the education parcel tax.

End of Full Ballot Text of Measure

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

“Scotts Valley Schools Education Parcel Tax Measure “_”. To maintain quality educational programs with continued emphasis on math, science, reading and writing, retain highly qualified teachers and minimize further increases to class size, shall “Scotts Valley Unified School District” levy an annual education parcel tax of \$48 per parcel for three years, with independent community oversight of all expenditures, no funds for administrator salaries, pensions or benefits, exemption for senior citizens and disabled, and all funds benefiting local schools?”

Yes_____

No_____

Section 8. The District's Superintendent or designee is hereby authorized and directed to execute any other document and to perform all acts necessary to place the measure on the ballot, including making alterations to the measure and full ballot text to comply with requirements of law and election officials provided that such alterations do not materially change the substance and/or intent of this Resolution.

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 5, 2012. If approved by at least two-thirds of the voters voting on the measure, the measure shall take effect on July 1, 2012.

Section 10. The Board hereby requests that the Santa Cruz County Clerk/Elections Department, 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 Santa Cruz County in full for any services performed by the County for the District upon presentation of an invoice to the District. The Board requests that the District election be consolidated with any and all elections to be held within the boundaries of the District on June 5, 2012.

Section 11. The Secretary of the Board is hereby authorized and directed to deliver a copy of this Resolution to the Santa Cruz County Superintendent of Schools and the Clerk/Elections Department of Santa Cruz County, as well as the Clerk of the Board of Supervisors of Santa Cruz County not later than March 9, 2012 and to cause to give notice of the election by causing to be published a copy of this Resolution in a local newspaper of general circulation within the District once, 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's Office and in three public places within the District for at least two weeks before the date of the election.

Section 12. 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 13. The members of the Board are hereby authorized, but not directed, to prepare and file with the Santa Cruz County Clerk/Elections Department, a ballot argument in favor of the proposition contained in Section 7 hereof, within the time established by such Department.

Section 14. Subject to two-thirds approval of the voters, the education parcel tax shall be collected by the Santa Cruz 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 collectors. The tax shall bear interest at the same rate for unpaid *ad valorem* property taxes until paid.

Section 15. 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 core academic programs special tax may be spent for the authorized purposes.

Section 16. 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 54954.6. 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 17. The Superintendent shall, pursuant to Government Code Section 50075.3, file an annual report as provided herein accounting for the core academic programs tax revenues collected and the manner in which they have been spent.

Section 18. 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 19. 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 Scotts Valley Unified School District on March 9, 2012 by the following vote:

Regularly passed and adopted this 9th day of March, 2012.

AYES AND IN FAVOR OF RESOLUTION

NOES AND AGAINST SAID RESOLUTION

APPROVED/FILED

ABSENT:

Clerk of the Board

EXHIBIT A
FORMAL NOTICE OF PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Scotts Valley Unified School District of Santa Cruz County, California that in accordance with the provisions of the Government Code of the State of California, an election will be held on June 5, 2012 at which election the following proposition shall be submitted to the qualified electors of the District and voted upon:

“Scotts Valley Schools Education Parcel Tax Measure “ ”. To maintain quality educational programs with continued emphasis on math, science, reading and writing, retain highly qualified teachers and minimize further increases to class size, shall “Scotts Valley Unified School District” levy an annual education parcel tax of \$48 per parcel for three years, with independent community oversight of all expenditures, no funds for administrator salaries, pensions or benefits, exemption for senior citizens and disabled, and all funds benefiting local schools?”

The County Superintendent of Schools of Santa Cruz County, by this notice of election, has called the election pursuant to a Resolution and Order of the Board of Trustees of the Scotts Valley Unified School District adopted March 9, 2012, in accordance with the provisions of Education Code Sections 5302, 5325, and 5361.

IN WITNESS WHEREOF, I have hereunto set my hand this day, March 9, 2012.

Michael Watkins
County Superintendent of Schools
Santa Cruz County, California