BOARD OF TRUSTEES
OF THE
FREMONT UNION HIGH SCHOOL DISTRICT
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

Res. No. 910-03

RESOLUTION CALLING PARCEL TAX ELECTION

WHEREAS, a superior and comprehensive high school education program delivers many long-lasting benefits and advantages to all the children and residents of a community;

WHEREAS, the communities that comprise Fremont Union High School District (the "District") are fortunate to have excellent local high schools that prepare students for college and successful careers;

WHEREAS, all five high schools of the District—Cupertino, Fremont, Homestead, Lynbrook, and Monta Vista High Schools—exceed State standards for student achievement and are recognized as California Distinguished Schools, sending 90% of enrolled students to college;

WHEREAS, it is essential the District have stable, reliable, local funding to maintain its quality academic programs;

WHEREAS, while enrollment and costs are increasing, State education funding continues to dramatically decline, the State budget will likely cut billions more from education, and the outlook is bleak for the future of State funding for years to come;

WHEREAS, the citizens, taxpayers and voters of the District voted to support the Measure L parcel tax in 2004 to preserve core academic and college-qualifying classes and to maintain qualified and experienced teachers and school employees;

WHEREAS, the Measure L parcel tax will expire in 2011 if not re-approved, leaving critical educational programs at risk after next school year;

WHEREAS, Section 2(d) of Article XIIIIB of the California Constitution requires an election to be conducted before any special tax may be imposed, and Section 4 of Article XIIIIA of the California Constitution and Government Code Section 50079 authorize a school district, upon approval of two-thirds of the electorate voting on the proposition, to levy a qualified special tax for specified purposes;

WHEREAS, Section 1000 of the California Elections Code authorizes the District to conduct such an election only on an established election date;

WHEREAS, November 3, 2009, is an established election date;
WHEREAS, this Board of Trustees has held a public hearing after due notice regarding the parcel tax proposed by this Resolution, as required by Government Code Section 50077;

WHEREAS, the District’s boundaries have not changed since the November 4, 2008 election; and

WHEREAS, the District is located entirely within the County of Santa Clara (the “County”), and the Santa Clara County Superintendent of Schools has jurisdiction over the District;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Fremont Union High School District as follows:

1. Recitals. This Board of Trustees hereby finds and determines that the foregoing recitals are true and correct.

2. Order of Election; Specifications of Ballot Measure. This resolution shall stand as the order to the Santa Clara County Superintendent of Schools to call an election within the boundaries of the District on November 3, 2009, for the purpose of proposing to the electors of the District the proposition contained in Exhibit A hereto. The authority for the specifications of this election order is contained in Sections 5304 and 5322 of the California Education Code and Sections 50075-77 and 50079 of the California Government Code.

This Board of Trustees hereby requests the Registrar of Voters of the County of Santa Clara (the “Registrar of Voters”) to submit to the voters of the District at said election the proposition as it appears in Exhibit A.

3. Filing of Order of Election. The Secretary of this Board of Trustees is ordered to cause certified copies of this resolution and order to be delivered not later than Wednesday, August 5, 2009, to the Santa Clara County Superintendent of Schools, and not later than Friday, August 7, 2009, to the Registrar of Voters and the Clerk of the Board of Supervisors of the County.

4. Formal Notice. The Santa Clara County Superintendent of Schools is hereby requested to prepare and execute a Formal Notice of Parcel Tax Election and consolidation order in substantially the form attached hereto as Exhibit B (the “Formal Notice”), and to call the election by causing the Formal Notice to be posted in every schoolhouse in the District and at three public places in the District, in accordance with Section 5362 of the Education Code, no later than Wednesday, August 5, 2009, or to otherwise cause the notice to be published as permitted by law. The Secretary of this Board of Trustees, on behalf of and as may be requested by the County Superintendent of Schools, is authorized to cause all notices required by law in connection herewith to be published and posted, as the case may be.

5. Conduct of Election. (a) Request to Registrar of Voters. Pursuant to Section 5303 of the Education Code, the Registrar of Voters is required to, and is hereby requested to, take all steps to hold the election in accordance with law and these specifications.
(b) **Ballot and Voter Pamphlet.** The Registrar of Voters is requested to cause the exact wording of the Abbreviation of the Measure contained in Exhibit A to appear on the ballot, and to print the Full Text of the Measure contained in Exhibit A in the voter information pamphlet to be distributed to voters pursuant to the Elections Code. The full text of the measure is all that text in Appendix A hereto between the indicators "BEGINNING OF FULL TEXT OF MEASURE" and "END OF FULL TEXT OF MEASURE."

(c) **Consolidation.** The Santa Clara County Superintendent of Schools and the Board of Supervisors of the County are requested to order consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same, pursuant to Education Code Section 5342 and Section 10400 and following of the Elections Code.

(d) **Canvass of Results.** The Board of Supervisors of the County is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

(e) **Required Vote.** The proposition shall become effective upon approval of two-thirds of those voting thereon.

(f) **Election Costs.** This Board of Trustees shall pay all costs of the election approved by the Board of Supervisors of the County, pursuant to Education Code Section 5421.

6. **Appropriations Limit.** This Board of Trustees shall provide in each year (pursuant to Section 7902.1 of the Government Code 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 proposed tax may be spent for the authorized purposes.

7. **Ballot Argument.** The President of this Board of Trustees, or any member or members of this Board as the President shall designate, is hereby authorized, but not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the proposition contained in Exhibit A hereto, within the time established by the Registrar of Voters, which shall be considered the official ballot argument of this Board as sponsor of the proposition.
8. **Effective Date.** This resolution shall take effect from and after its adoption by a two-thirds vote of all of the members of this Board.

PASSED AND ADOPTED this day, July 30, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

[Signature]

President of the Board of Trustees of the Fremont Union High School District

Attest:

[Signature]

Secretary of the Board of Trustees of the Fremont Union High School District
EXHIBIT A

PARCEL TAX MEASURE TEXT

I. ABBREVIATION OF THE MEASURE

[This summarizes, in 75 words or less, the full text of the proposition which appears below.]

To provide stable, local funds needed to protect teaching positions, and assure that Cupertino, Fremont, Homestead, Lynbrook, and Monta Vista High School students are prepared to successfully compete for college admission, shall the Fremont Union High School District replace its existing, expiring parcel tax with a tax at the same annual rate of $98 per parcel to be adjusted annually for inflation, with all funds benefitting local high schools, and offering an exemption to seniors and the disabled?

74 wds
II. FULL TEXT OF THE MEASURE

BEGINNING OF FULL TEXT OF MEASURE———>>>>

FREMONT UNION HIGH SCHOOL DISTRICT
KEEP OUR HIGH SCHOOLS EXCELLENT ACT OF 2009

This Proposition may be known and referred to as the “Fremont Union High School District Keep Our High Schools Excellent Act of 2009” or as “Measure ____”. [designation to be assigned by County Registrar of Voters]

FINDINGS

All five high schools that comprise the Fremont Union High School District—Cupertino, Fremont, Homestead, Lynbrook, and Monta Vista High Schools—exceed State standards for student achievement and are recognized as California Distinguished Schools, sending 90% of its enrolled students to college.

Perpetual California State budget problems threaten the District’s many successful educational programs with an increasingly uncertain fiscal future.

The current Measure L parcel tax will expire in 2011 if not re-approved, leaving critical educational programs at risk after next school year.

Continuation of the existing parcel tax for local high schools will help preserve funding to core protect excellent teaching, avoid increased class sizes, and maintain academic programs.

By replacing and re-enacting the District’s current parcel tax, local voters can ensure that our schools will receive a stable, reliable, local source of funding.

TERMS AND PURPOSES

Upon approval of two-thirds of those voting on this Proposition, the District shall be authorized to and shall levy a qualified special tax (education parcel tax) on each parcel of taxable real property in the District, commencing July 1, 2010. The amount of the education parcel tax in the initial year shall be the current Measure L rate of $98 per parcel. To account for the impact of inflation on the cost of delivering the classroom programs and student services supported by the education parcel tax, the tax shall be adjusted annually, commencing July 1, 2011, by 2% per year or by the percentage change in the U.S. Consumer Price Index-All Urban Consumers, whichever is greater.

The education parcel tax authorized by this Act shall replace the existing Measure L education parcel tax approved by the voters of the District on November 2, 2004, which expires by its own terms on June 30, 2011. In the event that this Proposition is not
approved by the requisite vote, the existing Measure L tax shall continue in effect until its scheduled expiration. Under no circumstances shall both taxes be collected.

Moneys raised under this Keep Our High Schools Excellent Act shall be authorized to be used only to provide financial support to local school programs in accordance with priorities established by the Board of Trustees and to the extent of available funds, including to:

1. to protect teaching positions
2. to avoid increased class sizes
3. to assure that the District’s high school students are prepared to successfully compete for college and university admission

and to provide other financial support to the extent of available funds to maintain and support the District’s academic programs, including the purchase of instructional equipment, materials and supplies.

EXEMPTIONS – SENIOR CITIZENS:
RECIPIENTS OF SUPPLEMENTARY SECURITY INCOME

In order to provide tax relief to senior citizens in the community, any parcel owned and occupied by a person 65 years of age or older shall be exempt from the education parcel tax upon proper application to the District. Persons receiving Supplemental Security Income for a disability, regardless of age, shall also be exempt upon proper application to the District.

Either exemption shall be available pursuant to procedures to be prescribed by the Board of Trustees or otherwise as required by law or by the Santa Clara County Tax Collector.

ACCOUNTABILITY PROVISIONS

Independent Citizens’ Oversight Committee. The Board of Trustees shall establish an independent Citizens’ Oversight Committee (which may be the existing Measure L oversight committee) to ensure that moneys raised under the Keep Our High Schools Excellent Act are spent wisely and only for the purposes named in this Proposition. The Board of Trustees shall provide by resolution for the composition, duties, funding and other necessary information regarding the Committee’s formation and operation.

Independent Annual Audit. Upon the levy and collection of the education parcel tax, the Board of Education shall cause an account to be established for deposit of the proceeds, pursuant to Government Code Section 50075.1. For so long as any proceeds remain unexpended, the Superintendent of the District shall cause an independent financial auditor to prepare a report to be filed with the Board of Education no later than December 31 of each year, commencing December 31, 2010, stating (1) the amount collected and expended in such year, and (2) the status of any projects or description of any programs funded. The report may relate to the calendar year, fiscal year, or other appropriate annual period, as the Superintendent shall
determine, and may be incorporated into or filed with the annual budget, audit, or other appropriate routine report to the Board of Education.

**Specific Purposes.** All of the purposes named in this Proposition shall constitute the specific purposes of the education parcel tax, and proceeds thereof shall be applied only for such purposes.

**LEVY AND COLLECTION**

The education parcel tax shall be collected by the Santa Clara County Treasurer-Tax Collector at the same time and in the same manner and shall be subject to the same penalties as *ad valorem* property taxes collected by the Treasurer-Tax Collector. Unpaid taxes shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid.

“Parcel of taxable real property” shall be defined as any unit of real property in the District which receives a separate tax bill for *ad valorem* property taxes from the Santa Clara County Treasurer-Tax Collector’s Office. All property which is otherwise exempt from or on which are levied no *ad valorem* property taxes in any year shall also be exempt from the education parcel tax in such year. In addition, parcels may be exempt from the education parcel tax as described above under “Exemptions – Senior Citizens; Recipients of Supplementary Security Income”.

The District shall annually provide a list of parcels to the Santa Clara County tax collection officials which the District has approved for an exemption in accordance with this Proposition. The Santa Clara County Assessor’s determination of exemption or relief for any reason of any parcel from taxation, other than through either of said exemptions, shall be final and binding for the purposes of the Keep Our High Schools Excellent Tax. Taxpayers wishing to challenge the County Assessor’s determination must do so under the procedures for correcting a misclassification of property pursuant to Section 4876.5 of the California Revenue and Taxation Code or other applicable procedures. Taxpayers seeking a refund of any tax paid shall follow the procedures applicable to property tax refunds pursuant to the California Revenue and Taxation Code.

**SEVERABILITY**

The Board of Trustees hereby declares, and the voters by approving this Proposition concur, that every section, paragraph, sentence and clause of this Proposition has independent value, and the Board of Trustees and the voters would have adopted each provision hereof regardless of every other provision hereof. Upon approval of this Proposition by the voters, should any part be found by a court of competent jurisdiction to be invalid for any reason, all remaining parts hereof shall remain in full force and effect to the fullest extent allowed by law.

<<<<<<---------END OF FULL TEXT OF MEASURE.<<<<<<---------
EXHIBIT B

FORM OF
FORMAL NOTICE OF EDUCATION PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Fremont Union High School District of Santa Clara County, California, that in accordance with the provisions of the Education Code, the Elections Code, and the Government Code of the State of California, an election will be held on November 3, 2009, for the purpose of submitting to the qualified electors of the District the proposition summarized as follows:

[This summarizes, in 75 words or less, the full text of the proposition which appears below.]

[Abbreviation to be inserted from Exhibit A-Part I]

By execution of this formal Notice of Election the County Superintendent of Schools of Santa Clara County orders consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same.

The County Superintendent of Schools of Santa Clara County, by this Notice of Election, has called the election pursuant to a Resolution and Order of the Board of Trustees of the Fremont Union High School District adopted July 30, 2009, in accordance with the provisions of Education Code Sections 5302, 5325 and 5361.

IN WITNESS WHEREOF, I have hereunto set my hand this day,

________________________________________
County Superintendent of Schools
Santa Clara County, California

2009.