

# East Side Union High School District

830 North Capitol Avenue • San José, California 95133-1316 • 408-347-5000

*Academic, personal and social success for each and every student.*

**Esperanza Zendejas, Ed.D., Superintendent**

B/S Chair \_\_\_\_\_

BD of Supv. \_\_\_\_\_

Clerk \_\_\_\_\_

July 15, 2004

Shannon Bushey, Election Supervisor (originals)  
Santa Clara County Registrar of Voters  
1555 Berger Drive Bldg 2  
San Jose, CA 95112

Colleen B. Wilcox (copies)  
Santa Clara County Superintendent  
of Schools  
1290 Ridder Park Dr.  
San Jose, CA 95131-2398

Phyllis Perez-Sorensen (copies)  
Clerk of the Board of Supervisors  
Santa Clara County  
70 West Hedding Street, 10<sup>th</sup> Floor  
San Jose, CA 95110


RE: East Side Union High School District Parcel Tax Election, November 2, 2004

Enclosed is a resolution of the Board of Trustees of the East Side Union High School District ordering a parcel tax election for November 2, 2004. This election is being ordered pursuant to Section 4 of Article XIII A of the California Constitution and California Government Code Sections 50079 et seq. and 50075 et seq. (the "Law") and requires approval by two-thirds of the electorate voting on the measure.

In order to comply with the Law, the Board has adopted a full ballot text (Exhibit A), and an abbreviated form of the measure (Exhibit B). We are requesting that only the abbreviated text be printed on the ballot and the required text to be published in the San Jose Mercury News.

Our counsel Chick Adams and Courtney Jones at Jones Hall (415-391-5780) 650 California Street, 18<sup>th</sup> Floor, San Francisco, CA 94108) and our Financial Advisor is Dale Scott at Dale Scott & Company (415-956-1030) 400 Montgomery Street, Suite 805, San Francisco, CA 94104.

Yours very truly,

  
Esperanza Zendejas, Ed.D.  
Superintendent

cc: Chick Adams, Jones Hall  
Dale Scott, Dale Scott & Company

**BOARD OF TRUSTEES:** J. Manuel Herrera, Craig Mann, Patricia Martinez-Roach, Juanita Ramirez, George Shirakawa.  
It is the policy of the East Side Union High School District not to discriminate on the basis of sex, age, religion, race or national origin, sexual orientation, or handicapping condition in its educational programs and activities or in the recruitment and employment of personnel.

*c: Reg. of Voters*

EAST SIDE UNION HIGH SCHOOL DISTRICT

Board Meeting of: June 17, 2004

Agenda Item: 9.12

Attachment A

*Amended*

TO: Board of Trustees

FROM: Superintendent

PREPARED BY: Doug Emerson

SUBJECT: Adopt Resolution 2003/2004-32 Ordering a Special Election to be held on Tuesday, November 2, 2004 for the Purpose of Submitting to the Qualified Electors of the District the Question of Levying a Qualified Special Tax upon each Parcel in the District for Educational Purposes and establishing the specification of the Election Order

The attached resolution will authorize the District to place a parcel tax election on the November 2, 2004 ballot. The resolution does not state a dollar amount per parcel. The Board will need to determine the dollar amount to be stated in the resolution. The resolution also contains language that will give the Superintendent the authority to rescind the resolution should the County proceed with placing a county wide parcel tax election on the November 2, 2004 ballot.

FISCAL IMPACT

Approx. \$7,000,000 per year  
for six years, assuming  
a \$40.00 per parcel tax

FUNDING SOURCE

N/A

RECCOMENDATION:

It is recommended that the Board adopt the resolution authorizing a parcel tax election being placed on the November 2, 2004 ballot.

**APPROVED**

Board of Trustees

6/17/04

**RESOLUTION NO. 2003/2004-32 *Amended***

**BOARD OF TRUSTEES  
EAST SIDE UNION HIGH SCHOOL DISTRICT**

**RESOLUTION ORDERING A SPECIAL ELECTION TO BE HELD ON  
TUESDAY, NOVEMBER 2, 2004 FOR THE PURPOSE OF SUBMITTING  
TO THE QUALIFIED ELECTORS OF THE DISTRICT THE QUESTION  
OF LEVYING A QUALIFIED SPECIAL TAX UPON EACH PARCEL IN  
THE DISTRICT FOR EDUCATIONAL PURPOSES AND  
ESTABLISHING THE SPECIFICATIONS OF THE ELECTION ORDER**

**WHEREAS**, the Board of Trustees (the "Board") of the East Side Union High School District (the "District") has determined that the present revenues of the District are inadequate to fund the cost of education within the District, and

**WHEREAS**, Section 4 of Article XIII A of the California Constitution and California Government Code Sections 50079 et seq. and 50075 et seq. (the "Law") authorize a school district, upon approval by 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 has on this date held a public hearing which was duly noticed where all interested persons have been heard on the matter of holding an election in the District on the matter of levying a qualified special tax on each parcel in the District; and

**WHEREAS**, the Board of Trustees desires at this time to order an election to be held on November 2, 2004 in the District for the purpose of submitting to the voters in the District the matter of levying a qualified special tax on each parcel in the District for educational purposes and to designate the specifications thereof, pursuant to Education Code Section 5320 et seq.; and

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE EAST SIDE UNION HIGH SCHOOL DISTRICT DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:**

**Section 1. Call for Election.** The Board hereby orders an election and submits to the electors of the District the question of whether a qualified special tax shall be levied and collected in the District for the purposes as set forth more fully in the ballot proposition approved below. This Resolution constitutes the order of the District to call such election and shall constitute the "specifications of the election order" pursuant to Education Code Section 5322.

**Section 2. Election Date.** The date of the election shall be November 2, 2004, and the election shall be held solely within the boundaries of the District.

**Section 3. Purpose of Election; Ballot Proposition.** The purpose of the election shall be for the voters in the District to vote on a proposition, a full copy of which is attached hereto and marked Exhibit "A", containing the question of whether the District shall levy a qualified special tax in the District for the purpose stated therein, together with the accountability requirements of Government Code Section 50075.1. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto and marked as Exhibit "B". The Superintendent or his designee is hereby authorized and directed to make any changes to the text of the proposition as required to conform to any requirements of the Law or the Santa Clara County Registrar of Voters.

**Section 4. Authority for Election.** The authority for ordering the election is contained in Section 4 of Article XIII A of the California Constitution and California Government Code Sections 50079 et seq. and 50075 et seq. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

**Section 5. Type of Tax, Rate and Method of Collection.** Said qualified special tax shall in an amount not to exceed \$50 per parcel assessed against each parcel of taxable land in the District. A parcel shall be defined as any unit of land in the District that receives a separate tax bill from the Santa Clara County Assessor's Office. All property that would otherwise be exempt from property taxes will also be exempt from the qualified special tax.

Said qualified special tax shall be levied in the first fiscal year following the election on November 2, 2004, and shall continue in effect for the next succeeding six (6) fiscal years.

**Section 6. Accountability Requirements.** The members of the Board, the Superintendent 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 the following:

- (a) a statement indicating the specific purposes of the special tax,
- (b) a requirement that the proceeds be applied only to the specific purposes identified,
- (c) the creation of an account into which the proceeds shall be deposited, and
- (d) an annual report pursuant to Government Code Section 50075.3 as provided in Section 7.

Such accountability measures shall be set forth on the ballot in the form of Exhibit A attached hereto and incorporated herein by reference.

**Section 7. Annual Report.** As provided in Government Code Section 50075.3, the Board directs the chief fiscal officer of the District to file a report with the Board no later than January 1 of each year containing (a) the amount of funds collected and expended and (b) the status of any project required or authorized to be funded as identified in Section 6(a) hereof.

**Section 8. Filing of this Resolution; No Filing if County Calls Parcel Tax Election.** The Superintendent is hereby directed to file a copy of this Resolution to the Santa Clara County Superintendent of Schools, the Santa Clara County Registrar of Voters (the "County Registrar") and the Santa Clara County Clerk of the Board of Supervisors.

Such filing shall be made not more than 10 days prior to the date which the County Registrar fixes as the deadline for submission of items to be included on the November 2, 2004, ballot. If prior to making such filing the Superintendent receives information that the Board of Supervisors of the County has adopted (or has placed on its agenda) a resolution calling a parcel tax election on the November 2, 2004, ballot to provide financing for schools in the County, the Superintendent may choose (a) not to file a copy of this Resolution as set forth in the preceding paragraph, and (b) cause to be prepared and presented to the Board of Trustees a resolution rescinding this Resolution.

**Section 9. Consolidation of Election.** The County Registrar and the Santa Clara County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 2, 2004, within the District.

**Section 10. Ballot Arguments.** Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The Superintendent, President of the Board, or their designees, are hereby authorized to execute any document and to perform all acts necessary to place the bond measure on the ballot.

**Section 11. Notice of Election.** That the Santa Clara County Registrar of Voters is hereby requested to prepare a formal Notice of Qualified Special Tax Election in time, form and manner as required by law. The suggested form of notice of the election is as follows:

**EAST SIDE UNION HIGH SCHOOL DISTRICT  
SPECIAL ELECTION NOTICE**

NOTICE IS HEREBY GIVEN to the qualified electors of the East Side Union High School District (the "District") of Santa Clara County, that in accordance with law, an election will be held on Tuesday, November 2, 2004, in the District, at which election there will be submitted the question of levying a qualified special tax of \$50 on each non-exempt parcel of land in the District for the purpose of raising money for the cost of public education.

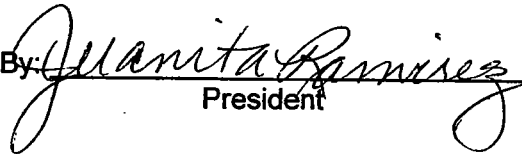
**Section 12. Reimbursement for Services Performed.** The East Side Union High School District agrees to reimburse Santa Clara County Registrar of Voters for services performed when work is completed on the election upon presentation of a bill.

**Section 13. Election Pursuant to Law.** In all particulars not recited in this Resolution, said election shall be held and conducted as provided by law for holding school district elections in the District.

**Section 14. Certification by Clerk of the Board** That the Clerk of the Board shall certify to the passage and adoption of and shall make minutes of the passage and adoption therefore in the records of the proceedings of the Board of Trustees of the District, in the minutes of the meeting at which the same is passed and adopted.

ADOPTED, SIGNED AND APPROVED this 17<sup>th</sup> day of June, 2004.

BOARD OF TRUSTEES OF THE  
EAST SIDE UNION HIGH SCHOOL  
DISTRICT

By:   
President

ATTEST:

  
Clerk of the Board of Trustees

## EXHIBIT A

### BALLOT MEASURE FULL TEXT OF MEASURE

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To increase student literacy, provide students training in modern technology, and improve student safety throughout the District including Andrew Hill, Evergreen Valley, Foothill, Independence, James Lick, Mt. Pleasant, Oak Grove, Piedmont Hills, Santa Teresa, Silver Creek, Overfelt and Yerba Buena High Schools, shall East Side Union High School District levy an annual tax of \$50 per parcel provided spending is annually reviewed by an independent citizens' oversight committee and all funds are spent locally and not transferred to the State?

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### PARCEL TAX AUTHORIZATION

By approval of this proposition by at least two-thirds (2/3) of the registered voters voting on the proposition, the District will be authorized to levy a qualified special tax of \$50 per parcel for the specific school projects listed in the Project List described below, subject to all the accountability requirements specified below.

### ACCOUNTABILITY REQUIREMENTS

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers in the District may be assured that their money will be spent wisely. As required by the laws of the State of California, the proceeds of the qualified special tax will be deposited into a special account established by the District and will be applied only to the specific purposes identified below. The District has covenanted to have on file with its governing board no later than January 1 of each year a report stating the amount of the funds collected and expended and the status of any project authorized to be funded.

### PROJECT LIST

The statement shown below is a part of the ballot proposition and must be reproduced in any official document required to contain the full statement of the proposition.

The proceeds of the parcel tax will be expended to finance the payment of costs and expenses of the District which are designed to achieve the following purposes. The specific purposes of the parcel tax are described as follows:

- \* Increase student academic performance through literacy
- \* Training of students to use modern technology
- \* Increasing student safety

**EXHIBIT B**

**BALLOT MEASURE  
ABBREVIATED FORM**

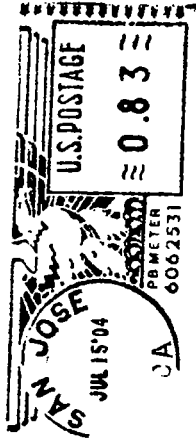
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To increase student literacy, provide students training in modern technology, and improve student safety throughout the District including Andrew Hill, Evergreen Valley, Foothill, Independence, James Lick, Mt. Pleasant, Oak Grove, Piedmont Hills, Santa Teresa, Silver Creek, Overfelt and Yerba Buena High Schools, shall East Side Union High School District levy an annual tax of \$50 per parcel provided spending is annually reviewed by an independent citizens' oversight committee and all funds are spent locally and not transferred to the State?

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East Side Union High School District  
Business Services Division  
30 North Capitol Ave.  
San Jose, CA 95133



BD. SUP. '04 JUL 16 AM 11:25

B/S Chair \_\_\_\_\_

BD of Supy. \_\_\_\_\_

Clerk  \_\_\_\_\_

Phyllis Perez-Sorensen  
Clerk of the Board of Supervisors  
Santa Clara County  
70 West Hedding Street, 10th Floor  
San Jose, CA 95110