

FREMONT UNION HIGH SCHOOL DISTRICT

RESOLUTION NO. #045-03

ORDERING AN 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 Fremont 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 2/3 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, under Education Code Section 5320 et seq.; and

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE FREMONT 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" under 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 as Appendix 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 as Appendix 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 \$98 per parcel for 6 years 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. An exemption shall also be available to persons who are 65 years or older and own and occupy as a principal residence a parcel (as defined in this Section) and apply to the District for such exemption under guidelines established by the District.

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 under 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 under Government Code Section 50075.3 as provided in Section 7. Such accountability measures shall be set forth on the ballot in the form of Appendix A attached hereto and incorporated herein by reference.

Section 7. Annual Report. Under 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. Delivery of this Resolution. The Clerk of the Board is hereby directed to send 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.

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 parcel tax 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:

**FREMONT UNION HIGH SCHOOL DISTRICT
SPECIAL ELECTION NOTICE**

NOTICE IS HEREBY GIVEN to the qualified electors of the Fremont 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 \$98 on each nonexempt parcel of land in the District for 6 years for the purpose of raising money for the cost of public education.

Section 12. Collection of Special Tax. Commencing on July 1, 2005, the special taxes specified above shall be collected and administered by the County of Santa Clara in the same manner as *ad valorem* real property taxes are fixed, collected, and administered under provisions of the California Revenue and Taxation Code.

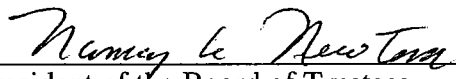
Section 13. Reimbursement for Services Performed. The Fremont Union High School District agrees to reimburse Santa Clara County Registrar of Voters for services performed when work is completed on the election upon presentation of a bill.

Section 14. Election Under 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.

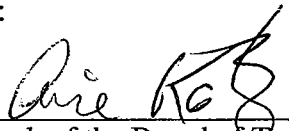
Section 15. Certification by Clerk of the Board That the Clerk of the Board shall certify to the passage and adoption of and shall make minutes of the passage and adoption therefore in the records of the proceedings of the Board of Trustees of the District, in the minutes of the meeting at which the same is passed and adopted.

ADOPTED, SIGNED AND APPROVED this 27th day of July, 2004.

BOARD OF TRUSTEES OF THE
FREMONT UNION HIGH SCHOOL DISTRICT

By: 
President of the Board of Trustees

ATTEST:


Clerk of the Board of Trustees

(Begin Here)

APPENDIX A

BALLOT MEASURE FULL TEXT OF MEASURE

In order to maintain high quality education at our local high schools – Cupertino, Fremont, Homestead, Lynbrook and Monta Vista High Schools – by preserving core academic classes, maintaining qualified and experienced teachers and school employees, and continuing programs that help our students qualify for college, shall the Fremont Union High School District levy \$98 per parcel annually for 6 years to benefit local schools with an exemption for seniors, no money for administrators and all money staying in our community?

PARCEL TAX AUTHORIZATION

By approval of this proposition by at least 2/3 of the registered voters voting on the proposition, the District will be authorized to levy a qualified special tax of \$98 per parcel for 6 years for the purpose of financing programs identified below under the heading "STATEMENT OF PURPOSES", subject to all the accountability requirements specified below. A parcel is defined as any unit of land in the District that receives a separate tax bill from the Santa Clara County Assessor's Office; except that contiguous parcels of taxable real property owned by a single owner and operated as a single economic unit shall be treated as a single parcel for the purposes of levying the special tax, upon approval of an application made by the owner to the District.

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.

In addition, the Governing Board of the District shall appoint a Citizens' Oversight Committee with responsibility to review the expenditures of the District from the parcel tax to ensure the parcel tax is expended for authorized purposes, and to prepare periodic reports to the District and the public concerning the expenditure of the parcel tax proceeds.

STATEMENT OF PURPOSES

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:

- *Preserving core academic classes*
- *Maintaining qualified and experienced teachers and school employees*
- *Continuing programs that help our students qualify for college*

(End Here)

APPENDIX B

**BALLOT MEASURE
ABBREVIATED FORM**

In order to maintain high quality education at our local high schools – Cupertino, Fremont, Homestead, Lynbrook and Monta Vista High Schools – by preserving core academic classes, maintaining qualified and experienced teachers and school employees, and continuing programs that help our students qualify for college, shall the Fremont Union High School District levy \$98 per parcel annually for 6 years to benefit local schools with an exemption for seniors, no money for administrators and all money staying in our community?

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San Jose Mercury News
750 Ridder Park Drive
San Jose, CA 95190

Sunnyvale SUN and Cupertino COURIER
1095 THE ALAMEDA
SAN JOSE, CA 95126-3142

SARATOGA NEWS

Los Altos Town Crier
138 Main Street
Los Altos, CA 94022-2905