

F I L D
AUG 02 2004

CUPERTINO UNION SCHOOL DISTRICT

REGISTRAR OF VOTERS
COUNTY OF SANTA CLARA

By 7/10 Deputy

RESOLUTION NO. 1823

4:30 pm

**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 Education (the "Board") of the Cupertino Union 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 parcels in the District; and

WHEREAS, the Board of Education 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 parcels 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 EDUCATION OF THE CUPERTINO UNION 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. 7

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; 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. 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 or their designees 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:

**CUPERTINO UNION SCHOOL DISTRICT
SPECIAL ELECTION NOTICE**

NOTICE IS HEREBY GIVEN to the qualified electors of the Cupertino Union 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.

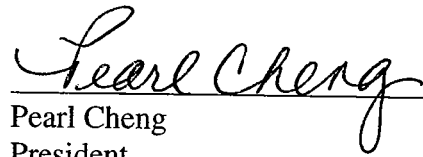
Section 12. Reimbursement for Services Performed. The Cupertino Union School District agrees to reimburse Santa Clara County Registrar of Voters for services performed when work is completed on the election upon presentation of a bill.

Section 13. Election 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 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 Education of the District, in the minutes of the meeting at which the same is passed and adopted.

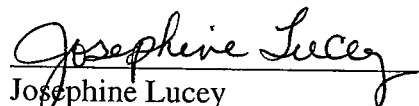
PASSED AND ADOPTED by the Board of Education of the Cupertino Union School,
County of Santa Clara, this 30th day of July, 2004.

BOARD OF EDUCATION OF THE
CUPERTINO UNION SCHOOL DISTRICT



Pearl Cheng
President

ATTEST:



Josephine Lucey
Clerk of the Board

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APPENDIX A

BALLOT MEASURE FULL TEXT OF MEASURE

Text Begins
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In order to maintain high quality education at our neighborhood elementary and middle schools by attracting and retaining the best teachers and staff; keeping class sizes small; maintaining essential educational programs including music and art; and funding programs that enhance student achievement, shall the Cupertino Union School District levy \$98 per parcel annually for 6 years with an exemption for seniors, no money for administrator salaries and all money staying in our community to benefit local public schools?

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:

- *Retaining and attracting quality teachers and staff*
- *Maintaining small class sizes*
- *Maintaining educational programs including music and art*
- *Funding programs that enhance student achievement*

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APPENDIX B

BALLOT MEASURE
ABBREVIATED FORM

In order to maintain high quality education at our neighborhood elementary and middle schools by attracting and retaining the best teachers and staff; keeping class sizes small; maintaining essential educational programs including music and art; and funding programs that enhance student achievement, shall the Cupertino Union School District levy \$98 per parcel annually for 6 years with an exemption for seniors, no money for administrator salaries and all money staying in our community to benefit local public schools?

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words
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