

RESOLUTION NO. 06-04/05

BOARD OF TRUSTEES

Alum Rock Union Elementary 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 Alum Rock Union Elementary 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 50075 et seq. and 50079 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 ALUM ROCK UNION ELEMENTARY 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 50075 et seq. and 50079 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 be in an amount not to exceed \$100 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 five (5) 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. 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.

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:

ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT

SPECIAL ELECTION NOTICE

NOTICE IS HEREBY GIVEN to the qualified electors of the Alum Rock Union Elementary 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 \$100 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 Alum Rock Union Elementary 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.

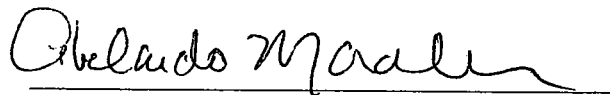
Section 14. Certification by Clerk of the Board. That the Clerk of the Board shall certify to the passage and adoption of and shall make minutes of the passage and adoption therefore in the records of the proceedings of the Board of Trustees of the District, in the minutes of the meeting at which the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

PASSED AND ADOPTED THIS 22ND DAY OF JULY 2004 BY THE FOLLOWING VOTE:

AYES: 5

NAES: 0

ABSENT: 0



Clerk of the Board of Trustees of Alum Rock Union
Elementary School District,
City of San Jose,
Santa Clara County,
California

EXHIBIT A

**Ballot Measure
Full Text of Measure**

FILED

AUG 05 2004

REGISTRAR OF VOTERS
COUNTY OF SANTA CLARA

By  Deputy

**EXPANDED MATH AND READING PROGRAMS AND SMALLER CLASS SIZES
MEASURE:**

To improve neighborhood elementary and middle schools by:

- Expanding reading, math and science programs;
- Reducing class sizes;
- Providing one teacher for every 20 students in kindergarten through third grade;
- Replacing outdated library books; and
- Improving teacher retention and recruitment

Shall Alum Rock Union Elementary School District levy an annual parcel tax of \$100 for five years only, adjusted annually for inflation, with guaranteed annual audits, citizens' oversight and no money for administrators' salaries?

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 \$100 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 to support the following purposes:

- Expanding reading, math and science programs;
- Reducing class sizes;
- Providing one teacher for every 20 students in kindergarten through third grade;
- Replacing outdated library books and;
- Improving teacher retention and recruitment.

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EXHIBIT B

Ballot Measure Abbreviated Version

~~EXPANDED MATH AND READING PROGRAMS AND SMALLER CLASS SIZES~~ MEASURE: ✓

To improve neighborhood elementary and middle schools by: P

- Expanding reading, math and science programs;
- Reducing class sizes;
- Providing one teacher for every 20 students in kindergarten through third grade; 3'
- Replacing outdated library books; and
- Improving teacher retention and recruitment

Shall Alum Rock Union Elementary School District levy an annual parcel tax of \$100, for five years only, adjusted annually for inflation, with guaranteed annual audits, citizens' oversight and no money for administrators' salaries? 29

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AUG 05 2004

REGISTRAR OF VOTERS
COUNTY OF SANTA CLARA

By Deputy



**ALUM ROCK
UNION ELEMENTARY SCHOOL DISTRICT**

2930 Gay Avenue San José, CA 95127 Phone: 408-928-6820 Fax: 408 928-6416

Registrar of Voters
1555 Berger Drive
San Jose, CA 95122

August 5, 2004

To Whom It May Concern:

Please find the enclosed Resolution #06-04/05, which orders a special election to be consolidated with the General Election of November 2, 2004 with the purpose of submitting to the qualified electors the question of levying a qualified special tax. Also included are Exhibits A and B, the full and abbreviated text of the proposed ballot measure, respectively.

Please include Exhibit A, the full text of the proposed ballot measure, in the sample ballot distributed to qualified electors.

Please publish notice of this special election in the following newspaper of general circulation:

El Observador
P.O. Box 1990
San Jose, CA
95109
Tel – 408-938-1700
Fax – 408-938-1705

Thank you for your time and attention to this matter. If you have any further questions, please do not hesitate to call me at 408-928-6825.


Best regards,

Leslie Bar-Ness - Special Assistant
Office of the Superintendent

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AUG 05 2004

REGISTRAR OF VOTERS
COUNTY OF SANTA CLARA

By  Deputy

Alfonso R. Anaya, Ed.D., Superintendent of Schools

Board of Trustees: Esau Ruiz Herrera - Abelardo E. Morales - Kim Mesa - Adriana M. Garza - Jason A. Rodriguez

4:15 P.M.