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COUNTY OF LOS ANGELES
REG. - REC. DIV.
ELECTION COORDINATION

PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 23 - 2008/09

**RESOLUTION OF THE GOVERNING BOARD OF THE
PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT CALLING AN
ELECTION, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND
REQUESTING CONSOLIDATION WITH OTHER ELECTIONS
OCCURRING ON JUNE 23, 2009**

WHEREAS, the Palos Verdes Peninsula Unified School District ("District") is committed to offering a high-quality educational program to all students within the District and securing adequate funding to meet that purpose; and

WHEREAS, District schools are among the very best in the State, District student test scores are consistently in the top 10% State-wide, and 98% of District students go on to college; and

WHEREAS, this parcel tax measure is essential for maintaining the quality of the District's outstanding schools and local educational programs; and

WHEREAS, an adequately funded and well-developed public education system provides numerous benefits and advantages to all of the residents of the community; and

WHEREAS, schools throughout California are facing steep cuts as the result of an estimated \$42 billion State budget shortfall this fiscal year, with additional and substantial shortfalls expected in upcoming years;

WHEREAS, the current State budget shortfalls may result in as much as \$14 billion in funding cuts to California schools over the next two years; and

WHEREAS, the District relies on State funding for 85% of its operating revenues; and

WHEREAS, the anticipated fluctuations in upcoming State budgets will have a significant impact on the funding available for District schools; and

WHEREAS, it is anticipated that the local impact of current State budget shortfalls will result in an on-going reduction of \$6 million in funding for District schools; and

WHEREAS, the District ranks 38th out of the 47 public school districts within Los Angeles County with respect to the amount of State funding per student; and

WHEREAS, the District has made every effort to minimize the impact of previous State funding cuts to the District, including such measures as cutting administrator and non-teaching staff and has maximized revenues from parent/community donations, grants and other funding sources; and

WHEREAS, without the additional local revenue obtained by means of this parcel tax measure, the District will be required to make substantial cuts to educational and other programs, and to reduce classroom staffing, all of which will negatively impact the current high quality of District educational programs and schools; and

WHEREAS, all funds raised by this measure will stay in Palos Verdes to directly support District schools and students; and

WHEREAS, in the judgment of this Governing Board ("Board"), the local revenues that will be made available as a result of this parcel tax measure are necessary to help minimize the impact of State funding cuts and to continue to maintain the high quality of the District's educational programs and schools; and

WHEREAS, Section 4 of Article XIII A and Section 2 of Article XIII C of the California Constitution and sections 50075, 50076, 50077, 50079 and 53722 *et seq.* of the California Government Code authorize a school district, upon approval of two-thirds (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, in the judgment of this Board, following public hearings and comment, it is advisable to request that the Los Angeles County Registrar-Recorder/County Clerk ("Elections Office") call an all mailed ballot election and submit to the voters of the District the question of whether the District shall levy a special tax within the District for the purpose of raising additional revenue for the District; and

WHEREAS, pursuant to Education Code section 5342 and Elections Code sections 10400, 10402 and 10403, such election may be completely or partially consolidated with any other election held on the same day and in the same territory or portion of territory that is the same; and

WHEREAS, pursuant to Elections Code sections 1000, 1500, 1501, and 4108, California school districts are permitted to conduct all mailed ballot elections on any date regularly scheduled for mailed only ballot elections, or any date other than an established election date, or any other date for such elections as permitted by law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Resolution Constitutes Order of Election. This resolution shall constitute an order of election pursuant to Education Code section 5320 *et seq.* The Elections Office of Los Angeles County is hereby requested to take necessary and appropriate action to implement the Parcel Tax Election pursuant to this resolution and as stated herein for the purpose of conducting the election on behalf of the District in accordance with Education Code section 5303.

2. Date and Purpose of Measure. Pursuant to Section 4 of Article XIII A of the California Constitution and Government Code section 50077, a mailed ballot only special election shall be held within the boundaries of the District on Tuesday, June 23, 2009, for the purpose of voting on a measure ("Measure") which will be presented to voters in substantially

the form attached hereto as Exhibit A, containing the question of whether the District shall impose a special tax for the educational purposes stated therein. In addition, the full text of the Measure ("Full Ballot Text") shall appear in the ballot pamphlet in substantially the form attached hereto as Exhibit B.

3. Amount of Tax. The qualified special tax shall be in the amount and manner set forth in Exhibit B attached hereto.

4. Exemptions From Special Tax. An exemption from payment of the special tax may be granted on any single family parcel owned by one or more persons 65 years of age or over who occupies the parcel as a principal residence, upon application for exemption (the "Senior Citizen Exemption"). Applications for such exemptions must be made during the period from January 15 through July 10 in the first year this parcel tax is levied (2009), and during the period from January 15 through the last business day in May of each of the following years this parcel tax is levied, in accordance with the process established by the District and as described in the attached Ballot Measure (Exhibit B hereto). Parcels for which 2009 exemption applications have been submitted prior to the June 23, 2009 election will be considered exempt from parcel taxes levied by the District for the 2009 tax year. In subsequent years (2010-2012), one application will be required for exemptions from all parcel taxes levied by the District during that tax year, including from previous parcel tax measures. The District shall annually provide to the County Treasurer-Tax Collector or other appropriate County tax official a list of parcels that the District has approved for a Senior Citizen Exemption.

5. Collection of the Tax. The special tax shall be collected by the County Tax Collectors of the County of Los Angeles ("County Tax Collector"), as applicable based on parcel location, at the same time, in the same manner, and subject to the same penalties as *ad valorem* property taxes collected by the County Tax Collectors. Unpaid special taxes shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid. The special tax itself shall not be levied on an *ad valorem* basis.

The special tax shall be levied on all parcels of taxable real property in the District. During each year that the parcel tax is in effect and for which a report of tax expenditures is prepared, and as part of a regularly scheduled public Board meeting, the District shall receive and consider the information in the report and the continued imposition of the parcel tax for the upcoming year. "Parcel of Taxable Real Property" shall be defined as any unit of real property in the District that receives a separate tax bill for *ad valorem* property taxes from the County Tax Collector's Office. All property that is otherwise exempt from or upon which *ad valorem* property taxes are not levied in any year shall also be exempt from the special tax in such year. With respect to all general property tax matters within its jurisdiction, the County Tax Collector shall make all final determinations of tax exemption or relief for any reason, and that decision shall be final and binding. With respect to matters specific to the levy of the special tax, including the classification of property for purposes of calculating the tax, the decisions of a District administrative review panel shall be final and binding.

6. Authority for Ordering Election. The authority for ordering the election is contained in section 50075 *et seq.* of the Government Code and Section 4 of Article XIII A of the California Constitution.

7. Authority for Specifications. The authority for the specification of this election order is contained in section 5322 of the Education Code.

8. Resolution to County Registrar and County Board. The Clerk of the Governing Board or other Board designee is hereby directed to immediately send a copy of this Resolution to the Los Angeles County Elections Office, as the officers conducting the election, the Los Angeles County Superintendent of Schools ("County Superintendent"), and to the Clerk of the Board of Supervisors of Los Angeles County ("County Board"). The Board requests that the County Superintendent deliver a copy of all published notices to the Clerk of this Board.

9. Formal Notice. The Los Angeles County Registrar-Recorder/County Clerk is hereby requested to prepare a Notice of Parcel Tax Election ("Notice") and to call the election by causing the Notice to be published in a newspaper of general circulation published in the District, in accordance with sections 5362 and 5363 of the Education Code and section 12112 of the Elections Code, as required by law. The County Superintendent is hereby requested to prepare and execute a formal Notice of Parcel Tax Election and Consolidation ("Notice"), in a form substantially similar to Exhibit C hereto, and to call the election by causing the Notice to be posted in accordance with section 5362 of the Education Code no later than March 27, 2009, or otherwise cause the Notice to be published as required by law.

10. Conduct of Election.

(a) *Request to Elections Office.* Pursuant to section 5303 of the Education Code, the Elections Office is requested to take all steps to hold an all mailed ballot election in accordance with law and these specifications. The Board requests that the Elections Office deliver a copy of all published notices to the Clerk of this Board pursuant to section 12113 of the Elections Code.

(b) *Voter Pamphlet.* The Elections Office is hereby requested to reprint the Full Ballot Text in substantially the form attached hereto as Exhibit B in the voter information pamphlet to be distributed to voters pursuant to section 13307 of the Elections Code. In the event the Full Ballot Text will not be reprinted in the voter information pamphlet in its entirety, the County Registrar is hereby requested to print, immediately below the impartial analysis of the Measure, in no less than 10-point boldface type, a legend substantially as follows:

The above statement is an impartial analysis of [Measure ____].
If you desire a copy of the Measure, please call the Los Angeles
County Elections Office at (562) 462-2632 and a copy will be
mailed at no cost to you.

(c) *Consolidation.* Pursuant to Education Code section 5342 and Elections Code section 10402.5, the Elections Office and the County Board are hereby requested to consolidate

the election ordered hereby with any and all other elections to be held on June 23, 2009, within the District as appropriate.

(d) *Cost of Election.* The Palos Verdes Peninsula Unified School District agrees to reimburse the County of Los Angeles for the cost of the special election.

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

11. Appropriations Limit. The Board shall provide in each year for an increase in the District's appropriations limit as shall be necessary to ensure that the proceeds of the special tax may be spent for its authorized purposes.

12. Full Ballot Text. The Board hereby determines to include within the ballot pamphlet the Full Ballot Text in substantially the form attached hereto as Exhibit B, which is hereby approved and adopted by the Board, and the Elections Office is hereby directed to include the Full Ballot Text in the ballot pamphlet.

13. Ballot Arguments. The President of the Board and/or his/her designees are hereby authorized to prepare and file with the County Registrar any ballot argument prepared in connection with the election, including a rebuttal argument, each within the time established by the Elections Office, which shall be considered the official ballot arguments of the Governing Board as sponsor of the Measure.

14. Official Actions. The District Superintendent, President of the Board, or their designees, are hereby authorized and directed to execute any other document and to perform all acts necessary to place the Measure on the ballot, including making any changes to the text of the measure described in this Resolution, or to the abbreviated form of the measure, or to the text of this Resolution, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of elections officials, and requirements of law.

15. Accountability Measures. The members of the Board, the Superintendent of the District, and officers and staff 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, all of the following: (a) a statement indicating the specific purposes of the qualified special tax, (b) a requirement that the proceeds be applied only to the specific purposes identified pursuant to subsection (a), (c) the creation of an account into which the proceeds shall be deposited, and (d) an annual report pursuant to section 50075.3. of the Government Code, as provided in Section 16 below.

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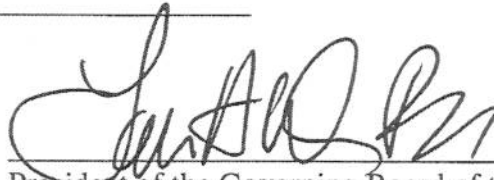
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16. Annual Report. Pursuant to section 50075.3 of the Government Code, the Board directs that the chief fiscal officer of the District file a report with the Board no later than June 30, 2010, and at least once a year thereafter while the special tax is in effect. The annual report shall contain both of the following: (a) The amount of funds collected and expended, and (b) the status of any project required or authorized to be funded by the special tax.

ADOPTED, SIGNED and APPROVED by the Governing Board of the Palos Verdes Peninsula Unified School District on the 23rd day of March, 2009, by the following vote:

AYES:	4
NOES:	0
ABSTENTIONS:	0
ABSENT:	1



President of the Governing Board of the
Palos Verdes Peninsula Unified School District
Or Governing Board Designee

STATE OF CALIFORNIA)
)
LOS ANGELES COUNTY)

I, Walker Williams, do hereby certify that the foregoing is a true and correct copy of Resolution No. 23 – 2008/09, which was duly adopted by the Board of Education of the Palos Verdes Peninsula Unified School District at meeting thereof held on March 23rd, 2009, and that it was so adopted by the following vote:

AYES:	4
NOES:	0
ABSTENTIONS:	0
ABSENT:	1

By Walker Williams
Secretary of the Board of Education
Or Governing Board Designee