

SAN MARINO UNIFIED SCHOOL DISTRICT

Resolution # 6 – 2012-13

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN MARINO UNIFIED SCHOOL DISTRICT CALLING AN ELECTION FOR VOTER APPROVAL TO ENACT AN EDUCATION PARCEL TAX

WHEREAS, the San Marino Unified School District (the “District”) is devoted to providing high quality education in order to enhance the quality of life for residents of the community; and,

WHEREAS, the District implemented a number of changes to generate sufficient funds for its education programs, including initiation of local fund-raising efforts; and,

WHEREAS, future funding for the District from the State of California and other sources is projected to be inadequate to provide the level of support to the District’s education programs which the citizens of the District expect; and,

WHEREAS, the current special parcel tax has been in place since 1991 and was renewed in 1995, 1999, 2003, and 2007 and is currently at the level of \$330 per year assessed against each parcel (except for exemptions as noted under Sections 3 and 5), and is due to expire on June 30, 2013; and,

WHEREAS, the Board of the District proposes to renew the levy of a special tax at the existing rate upon parcels of land within the District for the purposes set forth in this Resolution;

WHEREAS, Article XIII A, Section 4 of the California Constitution and Sections 50075, et seq., of the California Government Code permit a school district to propose the adoption of a special tax for specified purposes and to levy the special tax following approval by at least two-thirds of the voters voting upon the proposition; and,

WHEREAS, in the judgment of this Governing Board (the “Board”), following public hearings and comment, it is advisable to request that the Los Angeles County Registrar-Recorder (“County Registrar”) call an election by means of 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 providing revenue to the District; and

WHEREAS, pursuant to Elections Code Section 4108, a school district may, by resolution of its Governing Board, conduct any election by all-mailed ballots in accordance with the laws governing all-mailed ballot elections.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Board of the San Marino Unified School District as follows:

Section 1. This Governing Board (the "Board") finds and determines that the foregoing recitals are true and correct.

Section 2. The Board hereby proposes to continue to levy an education parcel tax for such specific purposes as:

- (a) support the maintenance of existing educational programs at current levels;
- (b) retain and attract the best qualified teachers and counselors;
- (c) maintain reduced class size;
- (d) support academic programs in science and math;
- (e) maintain district-wide school librarians;
- (f) prevent the elimination of teaching specialists in the area of math and science;
- (g) maintain adequate technology systems for all students by retaining technology service technicians.

Pursuant to Government Code Section 50075.1 the Board determines that the proceeds of the parcel tax shall only be applied for the purposes stated above.

Section 3. The special tax shall be a parcel tax of \$330 per year (the "Base Annual Tax"). The special tax shall be levied in each fiscal year for six (6) full years. To account for the impact of inflation on the cost of delivering the classroom programs and student services supported by the education parcel tax, the Base Annual Tax (\$330) shall be adjusted annually by the Los Angeles Metropolitan Statistical Area Consumer Price Index, commencing as of the 2014-15 tax year. In the event this index is no longer published, the Board of Education shall adopt a comparable index of general price levels as it shall reasonably determine.

The Board, in its discretion, may levy a reduced adjusted amount for inflation in any year in which it deems such reduced adjusted amount sufficient and appropriate to meet the purposes stated above, or believes such reduced adjusted amount is appropriate in response to State budget changes.

As used herein, the term "Parcel" means any parcel of land which lies wholly or partially within the boundaries of the District, for which the Assessor of the County of Los Angeles has assigned an assessor's parcel number; provided, however, that in the event any such parcels are (i) contiguous, (ii) used solely for owner-occupied, single-family residential purposes, and (iii) held under identical ownership, they may, by submitting an application of the owners thereof to the Board in accordance with rules and regulations adopted by the Board (the "Rules and Regulations"), be treated as a single parcel for purposes of the levy of this special tax.

Section 4. Subject to voter approval as set forth below, the special tax shall be levied commencing with the 2013-2014 fiscal year of the District, and shall be collected with, and in the same manner and subject to the same interest and penalties as, general *ad*

valorem taxes collect by the Los Angeles County Treasurer and Tax Collector. The special tax itself shall not be an *ad valorem* tax, but shall be based on the rates specified in this Resolution and related parcel tax measure. In accordance with the requirements of Government Code Section 50075.3, the District shall create a separate account into which the proceeds of the special tax shall be deposited.

Section 5. The levy and collection of the special parcel tax is not intended to decrease or offset any increase in local, state or federal government funding sources that would otherwise be available to the District at any time during which the special tax may be levied. In the event that the levy and collection does have such an effect, the District shall reduce the special tax levy to the extent of any such decrease or offset. In addition, any owners who are 65 years of age or older of a Parcel used solely for owner-occupied, single-family residential purposes may obtain an exemption from the levy of the special tax, by submitting an application annually of such owners to the Board in accordance with the rules and regulations adopted by the Board.

Section 6. The Board shall provide in each year (pursuant to Section 7902.1 of the Government Code) for any increase in the District's appropriation limit as shall be necessary to ensure that proceeds of the education parcel tax may be spent for the authorized purposes.

Section 7. The Board hereby requests that the Los Angeles County Registrar-Recorder submit the following ballot measure to the voters of the District:

“RENEWAL OF A SPECIAL TAX: SAN MARINO UNIFIED SCHOOL DISTRICT PROPOSES

To continue to maintain and enhance the quality of the public education system within the San Marino Unified School District, shall the San Marino Unified School District be authorized to continue to levy a special tax in order to provide for any or all of the following:

1. support the maintenance of existing educational programs at current levels;
2. retain and attract the best qualified teachers and counselors;
3. maintain reduced class size;
4. support academic programs in science and math;
5. maintain district-wide school librarians;
6. prevent the elimination of teaching specialists in the area of math and science;
7. maintain adequate technology systems for all students by retaining technology service technicians.”

AMOUNT OF EDUCATION TAX; PERIOD OF ASSESSMENT

The special tax shall be a parcel tax of \$330 per year (the “Base Annual Tax”). The special tax shall be levied in each fiscal year for six (6) full years. To account for the impact of inflation on the cost of delivering the classroom programs and student services supported by the education parcel tax, the Base Annual Tax (\$330) shall be adjusted annually by the Los Angeles Metropolitan Statistical Area Consumer Price Index, commencing as of the 2014-15 tax year. In the event this index is no longer published, the Governing Board of

the San Marino Unified School District (the “Governing Board”) shall adopt a comparable index of general price levels as it shall reasonably determine.

The Governing Board, in its discretion, may levy a reduced adjusted amount for inflation in any year in which it deems such reduced adjusted amount sufficient and appropriate to meet the purposes stated above, or believes such reduced adjusted amount is appropriate in response to State budget changes.

The proceeds of the education tax shall be deposited into a separate account created by the District.

DEFINITION OF “PARCEL”

For purposes of the special tax, the term “Parcel” means any parcel of land which lies wholly or partially within the boundaries of the San Marino Unified School District, for which the Assessor of the County of Los Angeles has assigned an Assessor’s parcel number.

EXEMPTION FOR CONTIGUOUS PARCELS

For purposes of this special tax, any such “Parcels” that are (i) contiguous, (ii) used solely for owner-occupied, single-family residential purposes, and (iii) held under identical ownership may, by submitting an application of the owners thereof to the Governing Board in accordance with rules and regulations adopted by the Board, be treated as a single “parcel” for purposes of the levy of this special tax.

EXEMPTION OF SENIORS

Pursuant to California Government Code Section 50079 (b), any owners who are 65 years of age or older of a Parcel used solely for their own owner-occupied, single-family residential purposes may obtain an exemption from the special tax by submitting an application annually to the Governing Board in accordance with rules and regulations adopted by the Board.

REDUCTION IN TAX IF RESULT IS LESS OTHER GOVERNMENT SUPPORT

- a. The collection of the special parcel tax is not intended to decrease or offset any increase in local, state or federal government sources that would otherwise be available to the San Marino Unified District during the period of the special tax. In the event that the levy and collection does have such an effect, the San Marino Unified School District shall cease the levy or shall reduce the special tax to the extent that such action would restore the amount of the decrease or offset.
- b. The text of the ballot proposition with respect to the foregoing measure shall read as follows:

“In order to continue funding quality educational programs and classroom instruction, prevent increases in class sizes and reductions in teaching positions, attract and retain high quality teachers and employees, and support educational programs that enhance student achievement, shall the San Marino Unified School District extend its expiring school parcel

tax for six years at \$330 per parcel with an exemption for seniors, adjustment for inflation and all money staying in our community to benefit our local schools?”

Section 8. The measure set forth in Section 6 shall be submitted to the voters of the District at an election to be held on March 12, 2013. If approved by at least two-thirds of the voters voting on the measure, the measure shall take effect on July 1, 2013.

Section 9. This Resolution shall stand as the order to the Los Angeles County Registrar-Recorder to call an all mailed ballot election within the boundaries of the District on March 12, 2013. The Governing Board requests that the District election be consolidated with any and all elections to be held within the boundaries of the District on March 12, 2013.

Section 10. The Governing Board (the “Board”) hereby requests that the Los Angeles County Registrar-Recorder take all actions that are necessary or appropriate in connection with the election, including, but not limited to, printing and mailing sample ballots, arguments and applications for absentee ballots, canvassing elections returns and certifying the results of the election to the Board. The Board hereby agrees to reimburse the County of Los Angeles in full for any services performed by the Registrar-Recorder for the District upon presentation of an appropriate invoice to the District.

Section 11. The Secretary of the Board is hereby authorized and directed to deliver a copy of this Resolution to the Los Angeles County Superintendent of Schools and the Los Angeles County Registrar-Recorder not later than November 30, 2012 and to give notice of the election by publishing a copy of this Resolution in a local newspaper of general circulation within the District once, not later than 15 days before the date of the election. The Secretary of the Board is hereby further authorized and directed to post a copy of this Resolution on or near the doors of the District’s Office, in three public places within the District for at least two weeks before the date of the election and on the District’s web site.

Section 12. If any section, subsection, phrase or clause of this Resolution is for any reason found to be invalid, such section, subsection, phrase or clause shall be severed from, and shall not affect the validity of, all remaining portions of this Resolution, which can be given effect without the severed portion.

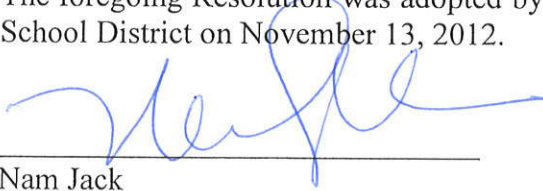
Section 13. The Governing Board shall timely designate a party to timely prepare and file with the Los Angeles County Registrar-Recorder a ballot argument in favor of the proposition contained in Section 7 hereof, within the time established by the Los Angeles Registrar-Recorder and in accordance with all laws applicable to such process.

Section 14. The Board shall, pursuant to Government Code Section 50075.3 file an annual report as provided herein accounting for the parcel tax revenues collected and the manner in which they have been spent.

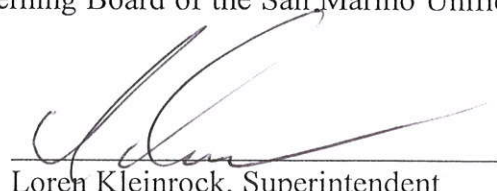
Section 15. The District Superintendent, President of the Board, or their designees, are hereby authorized and directed to execute any other document and to perform all acts necessary to place the measure on the ballot, including making any changes to the text of the measure described in this Resolution, 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.

The foregoing Resolution was adopted by the Governing Board of the San Marino Unified School District on November 13, 2012.



Nam Jack
President of the Governing Board of
San Marino Unified School District



Loren Kleinrock, Superintendent
and Secretary of the Governing Board
of San Marino Unified School District

This motion made of Chris Norgaard and seconded by Lisa Link

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Ayes
Noes

EXHIBIT A

FORMAL NOTICE OF PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the San Marino Unified School District of Los Angeles County, California, that in accordance with the provisions of the Government Code of the State of California, an election will be held on March 12, 2013, at which election the following proposition shall be submitted to the qualified electors of the District and voted upon:

“In order to continue funding quality educational programs and classroom instruction, prevent increases in class sizes and reductions in teaching positions, attract and retain high quality teachers and employees, and support educational programs that enhance student achievement, shall the San Marino Unified School District extend its expiring school parcel tax for six years at \$330 per parcel with an exemption for seniors, adjustment for inflation and all money staying in our community to benefit our local schools?”

By execution of this formal Notice of Election the County Superintendent of Schools of Los Angeles County orders consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same.

The County Superintendent of Schools of Los Angeles County, by this Notice of Election, has called the election pursuant to a Resolution of the Governing Board of the San Marino Unified School District, adopted November 13, 2012, in accordance with the provisions of Education Code Sections 5302, 5325 and 5361.

IN WITNESS WHEREOF, I have hereunto set my hand this day, _____, 2012.
County Superintendent of Schools Los Angeles County, California.