

TO: BOARD OF EDUCATION

ACTION/MAJOR

10/25/07

FROM: DIANNE TALARICO /
PARCEL TAX FEASIBILITY COMMITTEE

UPDATE

RE: ACCEPT RECOMMENDATIONS FROM THE PARCEL TAX FEASIBILITY COMMITTEE AND ADOPT RESOLUTION NO. 07-09 - RENEWAL OF SPECIAL TAXES TO BE PLACED ON THE FEBRUARY 5, 2008, BALLOT FOR VOTER APPROVAL

RECOMMENDATION NO. A.02

It is recommended that the Board of Education accept the recommendations from the Parcel Tax Feasibility Committee as reported at the beginning of this meeting- and adopt Resolution No. 07-09 - Renewal of Special Taxes to be Placed on the February 5, 2008, Ballot for Voter Approval.

COMMENT: The board established the Parcel Tax Renewal Feasibility Committee on August 9, 2007. The committee was charged with bringing a recommendation to the board on the feasibility of renewing one or both of the parcel tax Measures "S" and "Y" and which election date the renewal should be placed.

Attached is the resolution.

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Dr. Matthews read through the entire Resolution for the record.

The Subcommittee Chairs summarized their findings and reasoning behind their recommendations.

Board Member Escarce moved, and the board agreed unanimously, to change the language in the second "WHEREAS" of the Resolution to read, "to maintain the quality of education..."

The following corrections were made to the measure language:

- *Section 2D: "taxpayer's" should read "taxpayers'"*
- *Section 5B: "no fewer than 90 calendar days prior..."*
- *Section 5C: "no fewer than 60 calendar days prior..." and "no fewer than 30 calendar days prior..."*

The following roll call vote was taken:

MOTION MADE BY: Mr. Snell

SECONDED BY: Ms. Leon-Vazquez

STUDENT ADVISORY VOTE: N/A

AYES: All (6)

NOES: None (0)

ABSENT: 1 (Mr. de la Torre)

RESOLUTION NO. 07- 09

BOARD OF EDUCATION OF THE
SANTA MONICA - MALIBU UNIFIED SCHOOL DISTRICT
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

RESOLUTION PROPOSING A RENEWAL OF SPECIAL TAXES TO BE PLACED ON THE
FEBRUARY 5, 2008, BALLOT FOR VOTER APPROVAL

WHEREAS, the Santa Monica-Malibu Unified School District (“District”) has been inadequately and unpredictably funded by the State for many years to the detriment of the District’s educational programs; and

WHEREAS, in an effort to achieve stability in its financial condition the District has engaged in a variety of efforts to generate additional funds for the educational program, including advocating in the State Legislature, local fundraising efforts, entering into funding agreements with the cities of Santa Monica and Malibu, and a variety of cost-cutting measures, and these efforts have not produced revenues to maintain the quality of education in the District at a level sufficient to meet State and Federal requirements and the District’s Strategic Plan; and

WHEREAS, the voters of the District in 2000 approved the Measure “Y” parcel tax that expires on June 30, 2011, and in 2003 approved the Measure “S” parcel tax that expires on June 30, 2009; and

WHEREAS, this Board finds that a special tax that combines and renews – without increasing - the existing parcel taxes known as Measure “S” and Measure “Y”, equaling \$346 per parcel, adjusted annually for inflation by the CPI-U (as hereinafter defined), will provide, maintain, and expand educational opportunities for all students of this District and contribute to the District’s fiscal stability;

WHEREAS, this Board of Education has determined that there is a continuing and urgent need for the local revenues generated by these parcel taxes to make up for state funding shortfalls and provide stable financial support on an on-going basis and thereby enable the District to continue to provide its students with a high quality education; and

WHEREAS, these revenues are critically necessary to attract and retain highly qualified teachers, maintain reduced class size, protect academic achievement in math, science, technology, arts, music, and reading programs, and to sustain school libraries; and

WHEREAS, Section 4 of Article XIII A of the California Constitution and Government Code Section 50075 et.seq. authorizes a school district, following notice and public hearing, to levy a tax for specified purposes upon approval of at least two-thirds of the electorate voting on the measure;

THEREFORE, BE IT RESOLVED, that:

1. The Board hereby proposes to continue to levy a special tax for the specific purposes enumerated in the ballot language in Section 8 of this Resolution;
2. Said special tax levied on each parcel of real property shall not exceed the maximum rate of \$346 per year adjusted annually for inflation by the CPI-U;
3. An exemption to the qualified special tax is available for a person 65 years or older who owns and occupies a parcel as a principal residence and applies for an exemption in accordance with the guidelines established by the Board of Education of the District (the "Board")
4. Prior to levying of the special tax each fiscal year, the Board shall conduct a public hearing on the matter. Notice of the time, date and place of hearing shall be published in accordance with applicable laws, posted at least twice in a newspaper of general circulation in the District, and posting shall commence at least fifteen (15) days prior to the hearing. Following said hearing each year, the Board shall adopt a resolution establishing the rate per parcel for that year, not to exceed \$346 per year adjusted annually for inflation by the CPI-U. "CPI-U" as used in this Resolution means the Consumer Price Index-All Urban Consumers, All Items for the Los Angeles-Riverside-Orange County, California Metropolitan Statistical Area, base period 1982-84 = 100, or its equivalent should this Index cease to exist in its current format. The annual CPI-U adjustment shall be based on the change in the CPI-U over the preceding fiscal year. Any tax levied shall become a lien upon the properties against which taxes are assessed and collectable as herein provided;
5. Subject to voter approval as set forth below, the special tax shall be levied commencing July 1, 2008, and shall be collected by the Los Angeles County Tax Collector at the same time as and along with the general ad valorem taxes collected by said Tax Collector. The tax shall be subject to the same interest and penalty as general ad valorem taxes. The tax penalty shall bear interest at the same rate as the rate for unpaid ad valorem property taxes until paid;
6. It is not intended that the collection of the special tax provided for herein shall decrease the funds available from other sources for the Santa Monica-Malibu Unified School District after July 1, 2008. In the event that it does, the District shall, as soon as is reasonably practicable, place a measure to modify, reduce, or eliminate the special tax before the electorate
7. If any section, sub-section, phrase or clause of this resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion/portions of this resolution. This Board declares that it would have adopted this resolution and each section, sub-section, phrase or clause thereof irrespective of the fact that any one or more sections, sub-sections, sentences, phrases, or clauses be declared invalid;
8. This Board hereby requests that the Los Angeles County Registrar/Recorder place a ballot measure for the election to be held on February 5, 2008 to submit to the voters of this District the following condensed version of the ballot measure for the voting machine and sample ballot:

***The Santa Monica-Malibu Schools
Quality Education Funding Renewal Measure***

To preserve quality schools despite inadequate state funding, and prevent program cuts, shall the Santa Monica-Malibu Unified School District renew – without increasing -- existing school parcel taxes, annually adjusted for inflation, with exemptions for homes owned and occupied by senior citizens, and annual audits reported to taxpayers by Independent Citizens Oversight Committee? Funds used to retain highly qualified teachers and reduced class size, protect excellence in math, science, technology, arts, music, reading; sustain libraries. No funds used for administrator salaries.

The full text of the measure shall read as follows:

1. TITLE AND PURPOSE

The revenues raised by the “Santa Monica-Malibu Quality Education Funding Renewal Measure” (the “Funding Measure”) shall be used to prevent serious deterioration in the quality of public education in Santa Monica and Malibu in the face of inadequate state funding for public schools and to promote continued student achievement in the core curriculum.

2. SPECIFIC PURPOSES

The revenues raised by this Funding Measure shall be used by the Santa Monica-Malibu Unified School District (the “District”) exclusively for the following purposes:

- A. To preserve programs and replace funds lost or reduced due to inadequate state funding (including state budget reductions that are the result of reduced federal funding of state programs);
- B. To sustain achievement in reading, writing, and mathematics for all students at all grade levels and to fulfill the District’s core curriculum which includes music, arts, and athletics;
- C. To attract and retain highly qualified teachers; and
- D. To protect the taxpayers’ investment in education and ensure District accountability by providing for special citizen financial oversight and independent annual audits of revenues and expenditures.

3. SEPARATE ACCOUNT

The revenues raised by this Funding Measure shall be deposited in a separate account in accordance with Government Code section 50075.1 (or applicable successor law) and shall be expended solely for the specific purposes identified above.

4. THE TAX LEVY

- A. Tax Base. The two existing qualified special taxes presently levied by the District annually against each parcel of land within the boundaries of the District shall be combined into a single annual levy and renewed in an amount not to exceed \$346 per parcel, adjusted annually for inflation in accordance with the Consumer Price Index (CPI-U) for All Urban Consumers (Los Angeles-Riverside-Orange area) base year 1982-84=100, not otherwise exempted by law. The annual CPI-U adjustment shall be the twelve (12) month change in the that index over the most recently available twelve (12) month period preceding the date on which the adjustment needs to be calculated for assessment purposes. Any change in the levy (other than those described herein) shall be placed before the voters.

- B. Senior Exemption. An exemption to the qualified special tax is available for a person sixty-five (65) years or older who owns and occupies a parcel as a principal residence and applies for an exemption in accordance with guidelines established by the Board of Education of the District (the “Board”).
 - C. Effective Date. The effective date of this renewal shall be July 1, 2008.
 - D. Public Review Requirement. The Board of Education annually shall conduct a noticed public hearing to assess the continuing need for the tax revenues resulting from the Funding Measure. This evaluation will include, but not necessarily be limited to, consideration of the costs of programs to which these revenues have been dedicated, the general condition of the School District’s finances, the District’s enrollment, the structure of public financing of public education in California, and the regulations by which the School District qualifies for State funding.
 - E. Constitutional Apportionment Limit. Pursuant to Section 4 of Article XIII B of the California Constitution, the apportionment limit of the District is hereby increased commencing with the date of approval of this Funding Measure by the levy of this qualified special tax, and the Board shall increase the District’s appropriations limit as necessary in each year during which proceeds of this qualified special tax are available, to ensure that the proceeds of this qualified special tax may be spent for the authorized purposes, pursuant to Section 7902.1 of the Government Code (or applicable successor law).
 - F. Collection. The District may request that the qualified special tax be collected by the County of Los Angeles, or other lawfully designated agency. The collection of taxes under this Funding Measure, including the imposition of penalties, additional fees, and interest upon persons who fail to remit the qualified special tax imposed by this Funding Measure, or who fail to remit any delinquent remittance, shall be subject to and governed by the rules, regulations, and procedures authorized by law. Every penalty imposed and such interest as accrues under the provisions of this Funding Measure shall become a part of the tax herein required to be paid.
 - G. Savings Clause. The provisions of this Funding Measure shall not apply to any person, association, or corporation or to any property as to whom or which it is beyond the power of the District to impose a qualified special tax. If any part of this Funding Measure, as written or as applied to any person, is finally determined by a court of competent jurisdiction to be unconstitutional, illegal, or invalid, such determination shall affect only such part of this Funding Measure and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this Funding Measure. It is hereby declared to be the intention of the Board and of the electorate that this Funding Measure would have been adopted had such part thereof not been included.
5. ACCOUNTABILITY, PLANNING, PUBLIC INFORMATION, AND COMPLIANCE REVIEW PROVISIONS
- A. Citizen Oversight. The Board shall appoint a special citizen financial oversight committee that is charged to review the District’s administration of and compliance with the terms of this Funding Measure. The committee so charged by the Board is referred to in this Funding Measure as the “Independent Citizens Oversight Committee.”
 - B. Annual Plan. An expenditure plan (the “Proposed Annual Plan”) shall be developed annually for the succeeding fiscal year by the District staff in consultation with the Independent Citizens Oversight Committee. The Proposed Annual Plan will recommend expenditures of the tax proceeds that are consistent with the intent of the Funding Measure. The assumptions associated with the recommended expenditures shall be included in the Proposed Annual Plan. The Proposed Annual Plan shall be presented for Board action each fiscal year in conjunction with the District’s annual budget adoption

process for the subsequent fiscal year. To facilitate public discussion, the Proposed Annual Plan shall be made available for public review ninety (90) calendar days prior to Board adoption of its annual budget. The Proposed Annual Plan together with regular financial and audit reports shall be promptly distributed to the Independent Citizens Oversight Committee.

- C. Public Comment Process. No fewer than 60 calendar days before the Board acts on the annual budget for the subsequent fiscal year, the Board shall hold a noticed public hearing on the Proposed Annual Plan in order to allow for public input on whether the priority programs to be supported by Funding Measure revenues should be modified. No fewer than 30 calendar days before the Board acts on the annual budget for the subsequent fiscal year, the Proposed Annual Plan and the findings from the public hearing shall be reviewed by the Independent Citizens Oversight Committee which shall forward its recommendation to the Board. In adopting the District budget each year, the Board will approve an Adopted Annual Plan for Funding Measure revenues, taking into account comments from the public hearing and the recommendation of the Independent Citizens Oversight Committee. Members of the public may comment on the plans, reports, and conditions of the Funding Measure during the public comment period of any meeting of the Independent Citizens Oversight Committee or any meeting of the Board.
 - D. Financial Reports. The District shall make available to the public and to the Independent Citizens Oversight Committee updated budget and financial expenditure reports concerning the special account holding the proceeds of this qualified special tax in conjunction with the regular interim budget reporting required by the State. As part of this reporting, at least once per fiscal year, the chief fiscal officer of the District shall file a report with the Board and the Independent Citizens Oversight Committee identifying the amount of the funds collected and expended pursuant to this Funding Measure, together with the status of any project required or authorized to be funded hereunder. All of the foregoing reports shall be organized to display clearly how the expenditures relate to the Adopted Annual Plan approved by the Board.
 - E. Independent Auditors' Annual Report. Each year, an independent auditor retained by the District shall review District records to determine that funds generated by this Funding Measure have been maintained and expended in compliance with the Adopted Annual Plan and that other conditions of this Funding Measure have been satisfied. Said audit shall be conducted in accordance with generally accepted accounting principles, the Standards and Procedures for Audits of K-12 Local Educational Agencies, and this Funding Measure. The independent auditor shall transmit a "Finding of Violation" to the Board if: (1) the funds raised by this Funding Measure have been spent for purposes other than those specified in section 2; or (2) other conditions of this Funding Measure have not been satisfied.
 - F. Civil Remedies Available At Law. The provisions of this section are in addition to civil remedies available at law for assuring compliance with the terms of this Funding Measure.
6. Because the Funding Measure combines and renews two existing parcel tax measures (Measures S and Y) into a single parcel tax, Measures S and Y are hereby repealed as follows:

Measure "S"

~~SANTA MONICA MALIBU UNIFIED SCHOOL DISTRICT QUALITY PUBLIC EDUCATION PRESERVATION ACT OF 2003~~

~~To preserve the quality of local schools despite unprecedented state cuts in public education, shall the Santa Monica Malibu Unified School District levy a qualified special tax of \$225 per parcel each year for 6 years exempting property owned and occupied by persons age 65 and older? Mandatory resident taxpayer oversight and independent annual audits will ensure that these revenues are used to preserve the core curriculum in all grades and prevent deterioration in quality caused by reduced state funding.~~

~~FULL TEXT OF MEASURE~~

~~1. TITLE AND PURPOSE~~

~~The revenues raised by this Measure, the "Santa Monica Malibu Unified School District Quality Public Education Preservation Act of 2003," shall be used to prevent serious deterioration in the quality of public education in Santa Monica and Malibu in the face of large and sweeping state cuts in funding for public schools, and to promote continued student achievement in the core curriculum.~~

~~2. SPECIFIC PURPOSES~~

~~The revenues raised by this Measure shall be used by the Santa Monica Malibu Unified School District (the "District") exclusively for the following purposes:~~

- ~~A. To restore programs and replace funds lost or reduced due to state budget cuts (including state budget reductions that are the result of reduced federal funding of state programs);~~
- ~~B. To sustain achievement in reading, writing, and mathematics for all students at all grade levels and to fulfill the District's core curriculum which includes music, arts, and athletics; and~~
- ~~C. To protect the taxpayers' investment in education and ensure District accountability by providing for resident taxpayer oversight and independent annual audits of revenues and expenditures.~~

~~3. SEPARATE ACCOUNT~~

~~The revenues raised by this Measure shall be deposited in a separate account in accordance with Government Code section 50075.1 (or applicable successor law) and shall be expended solely for the specific purposes identified above.~~

~~4. THE TAX LEVY~~

- ~~A. Tax Base. The qualified special tax shall be levied annually on each parcel of land within the boundaries of the District in an amount not to exceed \$225 per parcel. An exemption to the qualified special tax is available for a person 65 years or older who owns and occupies a parcel as a principal residence and applies for an exemption in accordance with guidelines established by the Board of Education of the District (the "Board"). The~~

~~Board may set the amount of the qualified special tax at a lesser amount per parcel than is authorized hereunder.~~

~~B. Term. This qualified special tax shall be authorized to be levied each year for six (6) years, beginning in the tax year commencing on July 1, 2003.~~

~~C. Constitutional Appropriations Limit. The Board may increase the appropriations limit for the District in accordance with Section 4 of Article XIII B of the California Constitution and Section 7902.1 of the Government Code (or applicable successor law).~~

~~D. Collection. The District may request that the qualified special tax be collected by the County of Los Angeles, or other lawfully designated agency. The collection of taxes under this Measure, including the imposition of penalties, additional fees, and interest upon persons who fail to remit the qualified special tax imposed by this Measure, or who fail to remit any delinquent remittance, shall be subject to and governed by the rules, regulations, and procedures authorized by law. Every penalty imposed and such interest as accrues under the provisions of this Measure shall become a part of the tax herein required to be paid.~~

~~E. Savings Clause. The provisions of this Measure shall not apply to any person, association, or corporation or to any property as to whom or which it is beyond the power of the District to impose a qualified special tax. If any part of this Measure, as written or as applied to any person, is finally determined by a court of competent jurisdiction to be unconstitutional, illegal, or invalid, such determination shall affect only such part of this Measure and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this Measure. It is hereby declared to be the intention of the Board and of the electorate that this Measure would have been adopted had such part thereof not been included.~~

~~5. ACCOUNTABILITY, PLANNING, PUBLIC INFORMATION, AND COMPLIANCE REVIEW PROVISIONS~~

~~A. Resident Taxpayer Oversight. The Board shall appoint a resident taxpayer financial oversight committee that is exclusively charged to review the District's administration of and compliance with the terms of this Measure. The committee so charged by the Board is referred to in this Measure as the "Resident Taxpayer Oversight Committee."~~

~~B. Annual Plan. An expenditure plan (the "Annual Plan") shall be developed annually for the succeeding fiscal year by the District staff in consultation with the Resident Taxpayer Oversight Committee. The Annual Plan will recommend expenditures of the tax proceeds that are consistent with the intent of the Measure. The assumptions associated with the recommended expenditures shall be included in the Annual Plan. The Annual Plan shall be presented for Board action each fiscal year in conjunction with the District's annual budget adoption process for the following fiscal year. To facilitate public discussion, the recommended Annual Plan shall be made available for public review two weeks prior to Board action. The Annual Plan together with regular financial and audit reports shall be promptly distributed to the Resident Taxpayer Oversight Committee.~~

- ~~C. Public Comment Process. Members of the public may comment on the plans, reports, and conditions of the Measure during the public comment period of any meeting of the Taxpayer Oversight Committee or any meeting of the Board.~~
- ~~D. Financial Reports. The District shall make available to the public and to the Resident Taxpayer Oversight Committee updated budget and financial expenditure reports concerning the special account holding the proceeds of this qualified special tax in conjunction with the regular interim budget reporting required by the State. As part of this reporting, at least once per fiscal year, the chief fiscal officer of the District shall file a report with the Board and the Resident Taxpayer Oversight Committee identifying the amount of the funds collected and expended pursuant to this Measure, together with the status of any project required or authorized to be funded hereunder. All of the foregoing reports shall be organized to display clearly how the expenditures relate to the Annual Plan approved by the Board.~~
- ~~E. Independent Auditors' Annual Report. Each year, an independent auditor retained by the District shall review District records to determine that funds generated by this Measure have been maintained and expended in compliance with the Annual Plan and that other conditions of this Measure have been satisfied. Said audit shall be conducted in accordance with generally accepted accounting principles, the Standards and Procedures for Audits of K-12 Local Educational Agencies, and this Measure. The independent auditor shall transmit a "Finding of Violation" to the Board if: (1) the funds raised by this Measure have been spent for purposes other than those specified in section 2; or (2) other conditions of this Measure have not been satisfied.~~
- ~~F. Civil Remedies Available At Law. The provisions of this section are in addition to civil remedies available at law for assuring compliance with the terms of this Measure.~~

Measure "Y"

(Continuation of Special Tax for Santa Monica Malibu Unified School District)

To continue special programs to attract outstanding teachers and improve instruction and counseling, to enhance athletics, music, and arts programs, and to purchase science materials and computer technology for schools, shall the Santa Monica Malibu Unified School District be authorized to continue a special tax limited to \$98 per parcel, adjusted annually in accordance with the Consumer Price Index Urban (CPI-U) for no longer than ten years, which will help protect the taxpayers' investment in education and a safe learning environment.

The full text of the ballot measure shall read as follows:

"Shall the Santa Monica Malibu Unified School District, serving the City of Santa Monica, the City of Malibu, and the county territory of Malibu continue a special tax for under funded programs to:

- attract outstanding teachers;
- improve instruction and counseling;
- enhance athletic, music, and arts programs;

- purchase science materials and computer technology for schools;
- protect the taxpayers' investment in education and a safe learning environment.

Such a special tax to be up to the rate of \$98 per parcel of land, adjusted annually for inflation in accordance with the Consumer Price Index (CPI-U) for All Urban Consumers (Los Angeles-Riverside-Orange area), base year 1982-84 = 100, not otherwise exempted by law for a period not to exceed ten (10) years;²²

Pursuant to California Constitution Article XIIB, the appropriations limit for the Santa Monica-Malibu Unified School District will be increased by the aggregate sum collected by the levy of this special tax in each of the years for which this special tax is authorized. The annual CPI-U adjusted shall be the 12-month change in such index over the most recently available 12-month period preceding the date on which the adjustment needs to be calculated for assessment purposes.

9. This measure shall be submitted to the voters of the Santa Monica-Malibu Unified School District at the general election to be held on November 7, 2000, and shall take effect immediately upon its confirmation by two-thirds (2/3rds) of the voters voting upon the proposition at said election;
10. This Board requests that the district election be consolidated with any and all elections to be held on the date as specified above;
11. This Board requests that the Los Angeles County Registrar/Recorder carry out all necessary duties in connection with the consolidated election, including printing and mailing sample ballots, arguments and applications for absentee ballots; providing adequate polling places; canvassing returns and certifying the results to this Board; and all other election duties prescribed by law;
12. The Secretary of the Board of Education is ordered and directed to cause notice of the holding of said election to be given by publishing a copy of the resolution in the LOS ANGELES TIMES (OUR TIMES), SURFSIDE NEWS, and MALIBU TIMES, newspapers of general circulation within the District, once a week for two (2) successive weeks, the first publication to be made not less than fifteen (15) days before the time so fixed for said election;
13. The Secretary of the Board of Education is further ordered and directed to cause further notice of the holding of said election to be given by posting a copy of this Resolution of or near the doors of the District's office in three (3) public places within the District for at least two (2) weeks before the time fixed for the election; and
14. The Secretary of the Board of Education is further ordered and directed to cause a copy of this Resolution to be published in the LOS ANGELES TIMES (OUR TIMES), SURSIDE NEWS, and MALIBU TIMES, once in accordance with applicable laws;
15. The officers of the District are, and each of them acting alone is, hereby directed to take such other actions and execute such other documents as are necessary to carry out the purposes of this Resolution.

Passed and adopted by the Board of Education of the Santa Monica – Malibu Unified School District, Los Angeles County, State of California.

I hereby certify that the foregoing is a true and correct copy of the Resolution duly and regularly adopted by the Board of Education of the Santa Monica – Malibu Unified School District at a meeting thereof held on the 25th day of October 2007.

Dianne Talarico
Superintendent and Secretary
to the Board of Education