DAVIS JOINT UNIFIED SCHOOL DISTRICT

RESOLUTION NO. <mark>   </mark>

RESOLUTION OF THE GOVERNING BOARD OF THE DAVIS JOINT UNIFIED SCHOOL DISTRICT CALLING AN ELECTION, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION OCCURRING ON NOVEMBER 8, 2016

WHEREAS, the Davis Joint 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, an increase in revenues is necessary to retain essential student focused educational programs; and

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

WHEREAS, current voter approved Davis Joint Unified Parcel Tax Measures C and Measure E are set to expire at the end of the 2016-17 tax year and, because of persistent and severe California State funding shortfalls, the District continues to rely on the funding from these parcel tax measures for the current educational program serving Davis students; and

WHEREAS, the District wishes to renew current Davis Joint Unified Parcel Tax Measures C and E with a new parcel tax measure, whose purpose is to continue to provide adequate funding to the District; and

WHEREAS, Section 4 of Article XIIIA and Section 2 of Article XIIIC 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 Governing Board ("Board"), following public hearings and comment, it is advisable to request that the Yolo County Clerk-Recorder and the Solano County Registrar of Voters ("County Registrar") call an election to 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 5303, with respect to school districts, such as the District, which are situated in two or more counties, the county elections officials in the counties in which any part of the district territory is situated, shall, by mutual agreement, provide for the performance of those duties; 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, the Board has conducted a noticed public hearing, as required by law, on the question of whether or not to request the District's voters to authorize funding to continue the programs and for the purposes identified below.

NOW, THEREFORE, THE GOVERNING BOARD OF THE DAVIS JOINT UNIFIED SCHOOL DISTRICT HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:

1. **Recitals.** The foregoing recitals are true and correct.

2. **Board Determination.** That the Board has determined in its best judgment that in order to maintain quality education in the District, an election is advisable to submit to the voters of the District the question of whether to adopt a qualified special tax measure to maintain the quality of the District's public education that has benefited all students and citizens.

3. **Resolution Constitutes Order of Election**. This resolution shall constitute an order of election pursuant to Education Code section 5320 *et seq.* The County Registrars of Yolo and Solano Counties are hereby requested to determine which County Registrar shall conduct the election on behalf of the District in accordance with Education Code section 5303.

4. **Date and Purpose of Measure.** Pursuant to Section 4 of Article XIIIA of the California Constitution and Government Code section 50077, an election shall be held within the boundaries of the District on Tuesday, November 8, 2016 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, or, in the alternative, the ballot pamphlet shall contain information as to how voters may obtain a copy of the full text of the Measure, as provided for in paragraph 14 of this Resolution.

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

6. **Senior Exemption From Special Tax.** An exemption from payment of the special tax may be granted on any parcel owned by one or more persons 65 years of age or over as of July 1 of each tax year, who occupies parcel as a principal residence, upon application for exemption ("Senior Citizen Exemption"). Applications for such exemptions must be made and delivered to the District during the period from May 15 through June 15 (or the next regular business day thereafter) prior to the year the parcel tax is levied in accordance with the process established by the District and as described in the attached Ballot Measure (Exhibit B hereto). 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.

7. **Supplemental Security Income (SSI) Recipient Exemption 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 receiving Supplemental Security Income ("SSI") for disability, regardless of age, who occupies the parcel as a principal residence, upon application for exemption ("SSI Recipient Exemption"). Applications for such exemptions must be made and delivered to the District during the period from May 15 through June 15 (or the next regular business day thereafter) prior to each year the parcel tax is levied in accordance with the process established by the District and as described in the attached Ballot Measure (Exhibit B hereto). 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 an SSI Recipient Exemption.

8. **Social Security Disability Insurance Exemption.** An exemption from payment of the special tax may be granted on any single family parcel owned by one or more persons receiving Social Security Disability Insurance benefits ("SSDI"), regardless of age, who occupies the parcel as a principal residence, and whose yearly income does not exceed 250 percent of the 2012 federal poverty guidelines issued by the United States Department of Health and Human Services, upon application for exemption ("SSDI Recipient Exemption"). Applications for such exemptions must be made and delivered to the District during the period from May 15 through June 15 (or the next regular business day thereafter) prior to each year the parcel tax is levied in accordance with the process established by the District and as described in the attached Ballot Measure (Exhibit B hereto). 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 an SSDI Recipient Exemption.

9. **Collection of the Tax.** The special tax shall be collected by the County Tax Collectors of the Counties of Solano and Yolo ("County Tax Collectors"), 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 shall be levied on all parcels of taxable real property in the District. "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.

10. **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 XIIIA of the California Constitution.

11. **Authority for Specifications.** The authority for the specification of this election order is contained in Section 5322 of the Education Code.

12. **Resolution to County Registrar and County Board.** The Clerk of the Governing Board is hereby directed to immediately send a copy of this Resolution to the County Registrars, as the officers conducting the election, the Yolo County Superintendent of Schools and Solano County Superintendent of Schools ("County Superintendents"), and to the Yolo County Clerk of the Board of Supervisors and Solano County Clerk of the Board of Supervisors ("County Board"). The Board requests that the County Superintendents deliver a copy of all published notices to the Clerk of this Board.

13. **Formal Notice.** The County Superintendents are hereby requested to prepare and execute a formal Notice of Parcel Tax Election and Consolidation ("Notice") and to call the election by causing the Notice to be posted in accordance with Section 5362 of the Education Code no later than August 10, 2016, or otherwise cause the Notice to be published as permitted by law.

14. **Conduct of Election.**

a. *Request to County Registrar.* Pursuant to Section 5303 of the Education Code, the County Registrar is requested to take all steps to hold the election in accordance with law and these specifications, including the determination of whether Solano County or Yolo County Registrars will act as the elections official. The Board requests that the Registrar of Voters 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 County Registrar 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 _____ [Measure title/designation]. If you desire a copy of the Measure, please call the Yolo County Registrar of Voters at (530) 666-8133 or (800) 649-9943, or call the Solano County Registrar of Voters at (707) 784-6675 or (888) 933-8683 and a copy will be mailed at no cost to you. The full text of the Measure may also be viewed online at: _____ [INSERT URL/WEB ADDRESS HERE]

c. *Consolidation.* Pursuant to Education Code section 5342 and Elections Code section 10402.5, the County Registrars and the County Boards are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2016, within the District.

d. *Cost of Election.* The Davis Joint Unified School District agrees to reimburse the Counties of Yolo and Solano for the cost of such election.

e. *Canvass of Results.* The County Boards are authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

15. 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.

16. 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 County Registrar is hereby directed to include the Full Ballot Text in the ballot pamphlet.

17. Ballot Arguments. The President of the Board and/or his 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 County Registrar, which shall be considered the official ballot arguments of the Governing Board as sponsor of the Measure.

18. 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.

19. Accountability Measures. The members of the Board, the Superintendent of the District, 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, 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 20 below.

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20. **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 January 1, 2018, and at least once a year thereafter. 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 Davis Joint Unified School District on _____ , 2016, by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

By _____
President of the Governing Board of the
Davis Joint Unified School District

STATE OF CALIFORNIA   )

YOLO COUNTY   )

I, _____, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____,which was duly adopted by the Governing Board of the Davis Joint Unified School District at the meeting thereof held on _____, 2016, and that it was adopted by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

By _____
       Secretary of the Governing Board
       Or Governing Board Designee

EXHIBIT A

ABBREVIATED TEXT OF MEASURE

"To provide outstanding academics in math, science, reading, writing, instructional technology and programs in athletics, arts and music; provide high quality teachers; limit class sizes; and support student health and safety; shall the Davis Joint Unified School District replace its expiring parcel tax with an eight year parcel tax of $____/year, raising approximately $____ million/year, adjusted for inflation; with senior and SSI/SSDI exemptions; with citizens oversight; for the exclusive use of Davis schools?"

EXHIBIT B

FULL BALLOT TEXT

[insert here]

EXHIBIT C

FORMAL NOTICE OF PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Davis Joint Unified School District of Yolo County, California, that in accordance with the provisions of the Education Code and Government Code of the State of California, an election will be held on November 8, 2016, for the purpose of submitting to the qualified electors of the District the proposition summarized as follows:

[Insert Abbreviated Text of Measure]

By execution of this formal Notice of Election the County Superintendent of Schools of Yolo 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 Yolo County, by this Notice of Election, has called the election pursuant to a Resolution and Order of the Governing Board of the Davis Joint Unified School District, adopted _____, 2016, in accordance with the provisions of Education Code sections 5302, 5325 and 5361.

IN WITNESS WHEREOF, I have hereunto set my hand this day, _____, 2016

/s/ _____
County Superintendent of Schools
Yolo County, California

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EXHIBIT D

FORMAL NOTICE OF PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Davis Joint Unified School District of Solano County, California, that in accordance with the provisions of the Education Code and Government Code of the State of California, an election will be held on November 8, 2016, for the purpose of submitting to the qualified electors of the District the proposition summarized as follows:

[Insert Abbreviated Text of Measure]

By execution of this formal Notice of Election the County Superintendent of Schools of Solano 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 Solano County, by this Notice of Election, has called the election pursuant to a Resolution and Order of the Governing Board of the Davis Joint Unified School District, adopted _____, 2016, in accordance with the provisions of Education Code sections 5302, 5325 and 5361.

IN WITNESS WHEREOF, I have hereunto set my hand this day, _____, 2016

/s/ _____
County Superintendent of Schools
Solano County, California