

FILED

JUN 14 2018

EVERGREEN ELEMENTARY SCHOOL DISTRICT  
San Jose, California

REGISTRAR OF VOTERS  
COUNTY OF SANTA CLARA

By  Deputy

RESOLUTION NO. 14/17-18

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE EVERGREEN  
ELEMENTARY SCHOOL DISTRICT OF THE COUNTY OF SANTA CLARA, STATE  
OF CALIFORNIA ORDERING AN ELECTION FOR AN EDUCATION PARCEL TAX,  
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND  
REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON  
NOVEMBER 6, 2018**

WHEREAS, the Evergreen Elementary School District (“District”) is committed to offering a high-quality educational program to all students in the District, and due to inadequate state funding, increased local revenues are necessary to meet this goal; and

WHEREAS, California Constitution, Article XIII A, section 4 and Government Code sections 50075 et seq. authorize the District, upon approval of two-thirds of the electorate, to levy qualified special taxes on real property in the District for the purpose of providing quality educational programs in the District and other lawful purposes of the District; 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, District voters have approved several measures to provide funding to the District, most recently District voters approved Measure H in June 2014 which authorized the District to levy a qualified special tax of \$100 per parcel (“Measure H”); and

WHEREAS, the authority to levy a qualified special tax under Measure H expires in June 2019 and the District cannot continue to levy the tax without voter approval; and

WHEREAS, in the judgment of this Board of Trustees (“Board”), following a public hearing and comment, it is advisable to request that the Santa Clara County Superintendent of Schools County Registrar of Voters (“County Registrar”) call an 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 the Education Code and Elections Code such election may be completely or partially consolidated with any other election held on the same day and in the same territory or territory that is in part the same.

NOW, THEREFORE, IT IS DETERMINED AND ORDERED as follows:

Section 1. Recitals. The Board hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Resolution Constitutes Order of Election. This resolution shall constitute an order of election pursuant to the Education Code to the Santa Clara County Superintendent of Schools (“County Superintendent”) to call an election within the boundaries of the District on November 6, 2018.

Section 3. Date and Purpose of Measure. Pursuant to the California Constitution and Government Code, an election shall be held within the boundaries of the District on Tuesday, November 6, 2018, 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 qualified 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.

Section 4. Senior Persons' Exemption from Qualified Special Tax. Under procedures adopted by the District, an exemption from payment of the special tax may be granted on any parcel owned by one or more persons who will attain 65 years of age prior to July 1 of the tax year and occupying said parcel as their principal residence ("Senior Citizen Exemption"). The District shall annually provide to the Santa Clara County Tax Collector ("County Tax Collector") or other appropriate County official a list of parcels that the District has approved for an exemption.

Section 5. Collection of the Tax. Beginning July 1, 2019, if adopted by the voters, the qualified special tax shall be collected by the County Tax Collector, at the same time, in the same manner, and subject to the same penalties as ad valorem property taxes collected by the County Tax Collector. 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 every Parcel of Taxable Real Property in the District. To the extent allowed by law, "Parcel of Taxable Real Property" shall be defined as:

- (a) 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.
- (b) All property that is otherwise exempt from or upon which are levied no ad valorem property taxes in any year shall not be considered a Parcel of Taxable Real Property for purposes of the special tax in such year.
- (c) Multiple parcels which are contiguous, under common ownership, and that constitute one economic unit, meaning that they have the same primary purpose as the principal parcel and are not separate and distinct properties that may be independently developed or sold, shall comprise a single Parcel of Taxable Real Property for purposes of the special tax.

If any portion of this definition is deemed contrary to law, the Board declares and the voters by approving the Measure concur, that every other section and part of this definition has independent value, and the Board and voters would have adopted each other section and part hereof regardless of every other section or part hereof. If all sections or parts of this definition are deemed contrary to law, "Parcel of Taxable Real Property" shall be defined as any real property in the District assigned an assessor's parcel number.

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 Senior Citizen Exemption, the legality or validity of the special tax or any aspect of the special tax, application of the definition of "Parcel of Taxable Real Property" to any parcel(s) or any other disputed matter specific to the application of the special tax, the decisions of the District shall be final and binding.

This Measure shall not impact the continued levy of the special tax authorized by Measure H.

The tax authorized by Measure H shall continue to be levied through June 30, 2019 regardless of the outcome of this Measure.

Section 6. Authority for Ordering Election. The authority for ordering the election is contained in the Education Code, Elections Code, Government Code, and California Constitution.

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

Section 8. Resolution to County Officials. The Clerk of the Board is hereby directed to cause certified copies of this Resolution to be delivered not later than August 8, 2018, to the County Superintendent, the Santa Clara County Registrar of Voters ("Registrar"), and the Clerk of the Board of Supervisors of Santa Clara County ("Board of Supervisors").

Section 9. Formal Notice. The County Superintendent is hereby requested to prepare and execute a Formal Notice of Parcel Tax Election and consolidation order in substantially the form attached hereto as Exhibit C (the "Formal Notice"), and to call the election by causing the Formal Notice to be posted in accordance with the applicable law no later than August 8, 2018, or to otherwise cause the notice to be published as permitted by law. The Secretary of the Board, on behalf of and as may be requested by the County Superintendent, is authorized to cause all notices required by law in connection herewith to be published and posted, as the case may be.

Section 10. Conduct of Election.

- (a) Request to Registrar. Pursuant to State law, the Registrar is requested to take all steps to hold the election on November 6, 2018, in accordance with law and these specifications. As applicable, the election shall be held and conducted in the manner prescribed by Elections Code section 10418.
- (b) Voter Pamphlet. The 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 the Elections Code. In the event the Full Ballot Text will not be reprinted in the voter information pamphlet in its entirety, the 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 Santa Clara County Registrar of Voters at [phone number] and a copy will be mailed at no cost to you."
- (c) Consolidation. The County Superintendent and the Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections as may be held on the same day in the same territory or in territory that is in part the same.
- (d) Canvass and Declaration of Results. The Board of Supervisors is authorized to canvass the returns of the election and declare the result pursuant to the Elections Code.
- (e) Cost of Election. The District will reimburse the Registrar and the County for costs associated with the election as required by law.

Section 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.

Section 12. Ballot Arguments. The President of the Board and/or 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 County Registrar, which shall be considered the official ballot arguments of the Board as sponsor of the Measure and to take all necessary action to prevent inclusion of false and/or misleading information in ballot materials related to the Measure.

Section 13. Official Actions. The District Superintendent, President of the Board, or their designees are hereby authorized to execute any other document and to perform all acts necessary to place the Measure on the ballot, including making alterations to the Measure and Full Ballot Text stated in Exhibits A and B hereto, and to this Resolution, to comply with requirements of law and election officials or which are, in the judgment of the Superintendent and/or President of the Board, in the best interests of the District.

Section 14. Effective Date. This Resolution shall take effect from and after its adoption.

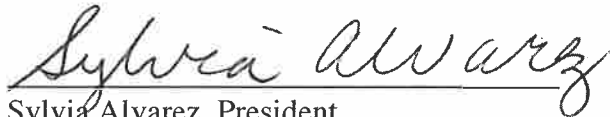
ADOPTED, SIGNED and APPROVED by the Board of Trustees of the Evergreen Elementary School District on the 10th day of May, 2018, by the following vote:

AYES: 4

NOES: 0

ABSTENTIONS: 0

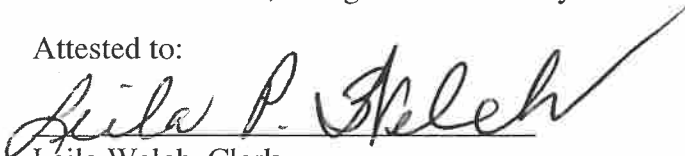
ABSENT: 1



Sylvia Alvarez, President

Board of Trustees, Evergreen Elementary School District

Attested to:



Leila Welch, Clerk

Board of Trustees, Evergreen Elementary School District

EXHIBIT A

SUMMARY OF MEASURE

The Measure shall be summarized in the following form, and the County of Santa Clara Registrar of Voters is requested to cause this summary of the Measure to appear on the ballot:

To provide competitive and safe learning environments, and enhance student achievement by:

-Improving hands-on science, technology, and math instruction;

-Keeping class sizes low;

-Improving teacher quality and training;

-Maintaining arts, music programs, libraries;

-Ensuring adequate student supervision and safety;

shall the Evergreen Elementary School District renew an existing parcel tax at \$125 per parcel for 7 years generating \$3.1 million annually, with citizen oversight, annual reports, senior exemptions, and no money for administrators' salaries or the State?

**EXHIBIT B**

**FULL BALLOT TEXT**

EVERGREEN ELEMENTARY SCHOOL DISTRICT ACADEMIC EXCELLENCE  
MEASURE

Measure \_\_

[letter designation to be assigned by Santa Clara County Registrar of Voters]

Recitals

Whereas, the Board of Trustees (“Board”) of the Evergreen Elementary School District (“District”) has established the goals of improving academic performance and the quality of education for all children in the District so that they are prepared for high school and beyond; and

Whereas, the District aims to enhance local control of our schools and reduce its dependence on the State of California for education funding; and

Whereas, by law, all funds from this local funding measure must be used to protect the specified programs in District schools and cannot be taken away by the State. Strict accountability is mandatory, including no funds for District administrators’ salaries and independent citizen oversight and annual reports to ensure funds are spent as promised.

Terms

To provide competitive and safe learning environments, and enhance student achievement by:

- Improving hands-on science, technology and math instruction;
- Keeping class sizes low;
- Improving teacher quality and training;
- Maintaining arts, music programs, libraries;
- Ensuring adequate student supervision and safety;

shall the Evergreen Elementary School District renew an existing parcel tax at \$125 per parcel for 7 years generating \$3.1 million annually, with citizen oversight, annual reports, senior exemptions, and no money for administrators’ salaries or the State?

A. Amount and Basis of Tax

This qualified special tax shall authorize the District to annually levy a special tax of \$125 per Parcel of Taxable Real Property beginning in July 1, 2019, and continuing for a period of seven (7) years. The District shall provide the Santa Clara County Tax Collector (“County Tax Collector”) a report indicating the parcel number and amount of tax for each Parcel of Taxable Real Property.

This qualified special tax is estimated to raise \$3.1 million in annual local funding for District schools. The amount of annual local funding raised by this qualified special tax will vary from year-to-year due to changes in the number of parcels subject to the levy.

To the extent allowed by law, “Parcel of Taxable Real Property” shall be defined as:

1. Any unit of real property in the District that receives a separate tax bill for ad valorem property taxes from the County Tax Collector.
2. All property that is otherwise exempt from or upon which are levied no ad valorem property taxes in any year shall not be considered a Parcel of Taxable Real Property for purposes of the special tax in such year.
3. Multiple parcels which are contiguous, under common ownership, and that constitute one economic unit, meaning that they have the same primary purpose as the principal parcel and are not separate and distinct properties that may be independently developed or sold, shall comprise a single Parcel of Taxable Real Property for purposes of the special tax.

If any portion of this definition is deemed contrary to law, the Board declares and the voters by approving the Measure concur, that every other section and part of this definition has independent value, and the Board and voters would have adopted each other section and part hereof regardless of every other section or part hereof. If all sections or parts of this definition are deemed contrary to law, “Parcel of Taxable Real Property” shall be defined as any real property in the District assigned an assessor’s parcel number.

This Measure shall not impact the continued levy of the special tax adopted by voters at the June 2014 election known as “Measure H.” The \$100 per parcel annual tax authorized by Measure H shall continue to be levied through June 30, 2019 regardless of the outcome of this Measure.

B. Senior Persons’ Exemption from Special Tax

Under procedures adopted by the District, an exemption from payment of the special tax may be granted on any parcel owned by one or more persons who will attain 65 years of age prior to July 1 of the tax year and occupying said parcel as their principal residence (“Senior Citizen Exemption”). The District shall annually provide to the Santa Clara County Tax Collector (“County Tax Collector”) or other appropriate County official a list of parcels that the District has approved for an exemption.

C. Claim / Exemption Procedures

With respect to all general property tax matters within its jurisdiction, the County Tax Collector or other appropriate County tax official 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 its legality or validity, the Senior Citizen Exemption, the application of the definition of “Parcel of Taxable Real Property” to any parcel(s) or any other disputed matter specific to the application of the special tax, the decisions of the District shall be final and binding. The procedures described herein, and any additional procedures established by the Board shall be the exclusive claims procedure for claimants seeking an exemption, refund, reduction, or re-computation of the special tax. Whether any particular claim is to be resolved by the District or by the County shall be determined by the District, in coordination with the County as necessary.

D. Appropriations Limit

Pursuant to California Constitution Article XIII B and applicable laws, the appropriations limit for the District will be adjusted periodically by the aggregate sum collected by levy of this qualified special tax.

E. Accountability Measures

1. **Specific Purposes.** The proceeds of the special tax shall be applied only to the specific purposes identified above. The proceeds of the special tax shall be deposited into a fund, which shall be kept separate and apart from other funds of the District.
2. **Annual Reports.** No later than December 31 of each year while the tax is in effect, the District shall prepare and file with the Board a report detailing the amount of funds collected and expended, and the status of any project authorized to be funded by this measure. The report may relate to the calendar year, fiscal year, or other appropriate annual period, as said officer shall determine, and may be incorporated into or filed with the annual budget, audit, or other appropriate routine report to the Board.
3. **Advisory Committee.** An advisory committee of citizens shall be appointed or designated by the Superintendent to ensure that the special tax proceeds are spent for the purposes described in this Measure, and to report annually to the Board and the public regarding the expenditure of such funds. The Board may provide by resolution for the composition, duties, funding, and other necessary information regarding the committee's formation and operation, and the Superintendent may elect to extend the existing parcel tax advisory committee to oversee expenditure of funds from this Measure.

F. Protection of Funding

Current law forbids any decrease in State or federal funding to the District resulting from the adoption of a qualified special tax. However, if any such funding is reduced or affected because of the adoption of this local funding measure, then the Board may reduce the amount of the special taxes levied as necessary in order to restore such State or federal funding and/or maximize the District's fiscal position for the benefit of the educational program. As a result, whether directly or indirectly, no funding from this measure may be taken away by the State or federal governments.

G. Severability

The Board hereby declares, and the voters by approving this measure concur, that every section and part of this measure has independent value, and the Board and the voters would have adopted each provision hereof regardless of every other provision hereof. Upon approval of this Measure by the voters, should any part of the measure or taxing formula be found by a court of competent jurisdiction to be invalid for any reason, all remaining parts of the Measure or taxing formula hereof shall remain in full force and effect to the fullest extent allowed by law.



EXHIBIT C

FORMAL NOTICE OF SPECIAL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Evergreen Elementary School District of Santa Clara County, California, that in accordance with the provisions of the Education Code and the Government Code of the State of California, an election will be held on November 6, 2018, for the purpose of submitting to the qualified electors of the District the proposition summarized as follows:

To provide competitive and safe learning environments, and enhance student achievement by:

- Improving hands-on science, technology and math instruction;
- Keeping class sizes low;
- Improving teacher quality and training;
- Maintaining arts, music programs, libraries;
- Ensuring adequate student supervision and safety;

shall the Evergreen Elementary School District renew an existing parcel tax at \$125 per parcel for 7 years generating \$3.1 million annually, with citizen oversight, annual reports, senior exemptions, and no money for administrators' salaries or the State?

By execution of this formal Notice of Election the County Superintendent of Schools of Santa Clara 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 Santa Clara County, by this Notice of Election, has called the election pursuant to a Resolution and Order of the Board of Education of the Evergreen Elementary School District adopted May 10, 2018, in accordance with the provisions of State law.

IN WITNESS WHEREOF, I have hereunto set my hand this day, \_\_\_\_\_, 2018.

\_\_\_\_\_  
County Superintendent of Schools  
Santa Clara County, California