

**RESOLUTION NUMBER 01-23**

RESOLUTION NUMBER 01-23 OF THE BOARD OF EDUCATION OF THE SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER AND REQUESTING CONSOLIDATION WITH THE STATEWIDE ELECTION TO BE HELD NOVEMBER 5, 2002.

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

WHEREAS, the District has engaged in a variety of efforts to generate funds for the educational program, including advocating in the State Legislature, local fundraising efforts, and cost-cutting measures, including employee layoffs and cutting budgets, and these efforts have not produced sufficient revenues to raise the quality of education, to implement, protect and maintain important special programs, and to maintain the facilities of the District; and

WHEREAS, Section 4 of Article XIII A of the California Constitution and Government Code Section 50075 *et seq.* authorize a school district to levy a “qualified special tax” to raise funds for the purpose of conducting their business upon approval of two-thirds of the electorate voting on the measure; and

WHEREAS, Government Code Section 50077 and Education Code Section 5304 authorize this District to order an election to allow the electorate to determine whether such special tax shall be levied after notice and a public hearing, and

WHEREAS, Education Code Section 5322 authorizes this Board to make the specification of the election order; and

WHEREAS, following the giving of such notice and holding of public hearing on June 27, 2002, this Board has determined that it is in the best interest of this District to submit to the voters a special tax measure; and

WHEREAS, the Board of Education by this Order and Resolution requests that said special election be consolidated with the General Election to be held on November 5, 2002;

NOW, THEREFORE, the Board of Education of the Santa Monica-Malibu Unified School District, Los Angeles County, California, DOES HEREBY RESOLVE, ORDER AND REQUEST as follows:

Section 1. Pursuant to Education Code Section 5304, the Board hereby orders the Los Angeles County Superintendent of Schools to call a special election to be held within the boundaries of the Santa Monica-Malibu Unified School District on November 5, 2002, for the purpose of submitting to the electors of the District, the “SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT ACADEMIC ACHIEVEMENT AND SAFETY ACT OF 2002” which is attached and incorporated herein, marked as Attachment A.

Section 2. The Clerk of this Board is ordered, not later than July 15, 2002, to deliver certified copies of this Resolution and Order to the Los Angeles County Superintendent of Schools, to the Registrar of Voters of Los Angeles County, and to the Clerk of the Los Angeles County Board of Supervisors.

Section 3. The Los Angeles County Superintendent of Schools is hereby requested to prepare and execute a Formal Notice of Special Tax Election in compliance with Section 5361 of the Education Code (the "Formal Notice"), and call the election by causing the Formal Notice to be posted in accordance with Section 5362 of the Education Code no later than August 5, 2002, or to otherwise cause the notice to be published as permitted by law. The Clerk of this Board, on behalf of the Los Angeles County Superintendent of Schools, is authorized to cause all notices required by law in connection herewith to be published and posted, as the case may be.

Section 4. The Board of Supervisors of Los Angeles County is hereby requested to order the consolidation of said election with the General Election to be held on the date specified in Section 1, and to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

Section 5. Pursuant to Section 5303 of the Education Code, the Registrar of Voters is requested to take all steps to hold the election in accordance with law and these specifications.

Section 6. The Registrar of Voters is hereby requested to use the "Ballot Summary" appearing in Attachment A hereto as the abbreviated statement of the measure to appear on the ballot.

Section 7. This Resolution shall become effective immediately upon its adoption, by approval of two-thirds of the members of this Board.

ADOPTED, SIGNED AND APPROVED this 27<sup>th</sup> day of June, 2002.

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Julia Brownley, President

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Maria Leon-Vazquez, Vice President

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Pam Brady

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Jose Escarce

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Brenda Gottfried

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Mike Jordan

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Tom Pratt

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John Deasy, Superintendent of Schools