

## ADDENDUM TO THE AGENDA

**Santa Monica-Malibu Unified School District  
Board of Education  
Special Closed Session: Semi-Annual Board Retreat**

Meeting Agenda

February 1, 2003

A special Closed Session Board of Education Retreat will be held on Saturday, February 1, 2003, beginning at 8:30 AM in the Board Room of the District's Administrative Offices, 1651 16<sup>th</sup> Street, Santa Monica, California

**8:30 AM** Call to Order  
Pledge of Allegiance  
Public Comments for Closed Session Items Only

### **MAJOR ITEM:**

**A.1 Recommendation to Adopt Resolution Number 02-18: Ordering An Election, Establishing Specifications of the Election Order and Requesting Placement on the General Election Ballot of the County of Los Angeles to be Held on June 3, 2003.**

**Convene Closed Session: All other portions of the agenda remain the same.**

**4:50 PM** **Adjournment.** This special Closed Session meeting will adjourn to the next regularly scheduled meeting of the Board of Education, to be held Thursday, February 6, 2003, at 7PM, in the Auditorium of Malibu High School, 30215 Morningview Drive, Malibu, California.

TO: BOARD OF EDUCATION

ACTION/MAJOR

2/1/03

FROM: JOHN E. DEASY

RE: ADOPTION OF RESOLUTION NUMBER 01-18: ORDERING AN ELECTION, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER AND REQUESTING PLACEMENT ON THE GENERAL ELECTION BALLOT OF THE COUNTY OF LOS ANGELES TO BE HELD ON JUNE 3, 2003

RECOMMENDATION NO. A.1

It is recommended that the Board adopt the attached Resolution Number 01-18, proposing a new Parcel Tax and calling for an Election for Voter Approval(New Parcel Tax 2002).

COMMENT: As noted previously, current case law has established strict standards with regard to the specificity of ballot language. When adopted, the language of the full resolution will have been reviewed by the District's legal counsel. The new resolution meets all the requirements of current state law.

The condensed version of the ballot measure for the voting machine and sample ballot must not exceed 75 words (Election Code Sec. 13247).

Included in this item are:

- 75-word Ballot Language and specifications
- Resolution

MOTION MADE BY:

SECONDED BY:

AYES:

NOES:

ABSTENTIONS:

**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.

**RESOLUTION NUMBER 02-18**

**RESOLUTION NUMBER 02-18 OF THE BOARD OF EDUCATION OF THE SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER AND REQUESTING PLACEMENT ON THE GENERAL ELECTION BALLOT FOR THE COUNTY OF LOS ANGELES TO BE HELD ON JUNE 3, 2003.**

- WHEREAS, the Santa Monica-Malibu Unified School District (ADistrict@ 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 Aqualified 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 January 31, 2003, 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 June 3, 2003.

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 June 3, 2003, for the purpose of submitting to the electors of the District, the ASANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT QUALITY EDUCATION PRESERVATION ACT OF 2003@which is attached and incorporated herein, marked as Attachment A.

Section 2. The Clerk of this Board is ordered, not later than February 3, 2003, 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 ~~A~~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 ~~A~~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 1<sup>st</sup> Day of February, 2003.

_____ Maria Leon-Vazquez, President	_____ Jose Escarce, Vice President
_____ Emily Bloomfield, Member	_____ Julia Brownley, Member
_____ Oscar del a Torre, Member	_____ Mike Jordan, Member
_____ Shane McLoud, Member	_____ John E. Deasy, Superintendent

