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JUL 12 2004

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EVERGREEN SCHOOL DISTRICT

San Jose, California

ENCLOSURE NO. 5

AGENDA ITEM 11.1

DATE 7-8-04

REGISTRAR OF VOTERS  
COUNTY OF SANTA CLARA

By [Signature] Deputy

RESOLUTION # 02-04/05

**RESOLUTION OF THE BOARD OF TRUSTEES OF EVERGREEN SCHOOL DISTRICT CALLING AN ELECTION, ESTABLISHING SPECIFICATIONS FOR THE ELECTION ORDER AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCURRING NOVEMBER 2, 2004**

**WHEREAS**, Evergreen 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 school districts, upon approval of two-thirds of the electorate, to levy qualified special taxes on property in the District for the purposes of providing quality educational programs in the District and other lawful purposes of the District; and

**WHEREAS**, a special tax of NINETY-FOUR DOLLARS (\$94) per parcel will meet the stated goals of the special tax and the Board has studied the matter and determined to seek voter approval for a new parcel tax for four years; 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**, in the judgment of this Board, following public hearing and comment, it is advisable to request the Santa Clara County Registrar of Voters to call an election and submit to the voters of the District the question 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 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 territory that is in part the same.

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

**Section 1. Resolution Constitutes Order of Election** That this resolution shall constitute an Order of Election pursuant to Education Code Section 5320 et. seq.

**Section 2. Date and Purpose of Measure** That pursuant to Section 4 of Article XIII A of the California Constitution and Government Code Section 50077, a special election shall be held within the boundaries of the District on Tuesday, November 2, 2004, for the purpose of voting on a proposition, a copy of which is attached hereto and marked Exhibit A, containing the question of whether the District shall impose a parcel tax for the purposes stated therein. In addition, the full text of the ballot proposition (the "Full Ballot Text") attached hereto and marked Exhibit B, shall appear in the ballot pamphlet.

The amount of the special tax shall be Ninety-Four Dollars (\$94) per year per parcel. A "parcel" shall be defined as any parcel of land, developed or undeveloped, wholly or partially located within the District, for which the Assessor of the County (the "County Assessor") has assigned an assessor's identification number. However, any such parcels that are contiguous, used solely for owner-occupied single-family residential purposes and held under identical ownership, may, upon approval of an application of the owners of such parcel, be treated as a single parcel for purposes of this special tax.

**Section 3. Senior Exemption from Special Tax** An exemption from payment of the special tax may be granted annually on any parcel owned by one or more persons 65 years of age or over who occupies said parcel as a principal residence, upon annual application for exemption. The District shall annually provide to the Santa Clara County tax collection officials a list of parcels that the District has approved for a Senior Citizen Exemption.

**Section 4. Collection of the Tax** The special tax shall be collected by the Santa Clara County Treasurer-Tax Collector at the same time, in the same manner, and subject to the same penalties as *ad valorem* property taxes collected by the Treasurer-Tax Collector. Unpaid special taxes shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid.

**Section 5. Authority for Ordering Election** That the authority for ordering the election is contained in Section 50075 et. seq. of the Government Code and Section 4 of Article XIII A of the California Constitution.

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**REGISTRAR OF VOTERS  
COUNTY OF SANTA CLARA**

By \_\_\_\_\_ Deputy

**Section 6. Authority for Specification** That the authority for the specification of this election order is contained in Section 5322 of the Education Code.

**Section 7. Resolution to County Registrar and Clerk** That the Clerk of the Board is hereby directed to send a copy of this Resolution to the Santa Clara County Registrar of Voters (the "County Registrar"), as the officer conducting the election, and a copy of this Resolution to the Santa Clara County Clerk of the Board of Supervisors (the "County Clerk").

**Section 8. Formal Notice** The Santa Clara County Superintendent of Schools is hereby requested to prepare and execute a formal notice of Parcel Tax Election and consolidation and to call the election by causing notice to be posted in accordance with Section 5362 of the Education Code no later than August 4, 2004, or otherwise cause the notice to be published as permitted by law.

**Section 9. Conduct of Election** Pursuant to Section 5303 of the Education Code, the Board requests that the County Registrar of Voters take all steps to hold the election in accordance with law on November 2, 2004.

**Section 10. Consolidation** That the County Registrar of Voters and the Santa Clara County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 2, 2004 within the District.

**Section 11. Full Ballot Text** That the Board hereby determines to include within the ballot pamphlet the Full Ballot Text attached hereto as Exhibit B, which is hereby approved and adopted by the Board, and the Registrar of Voters is hereby directed to include the Full Ballot Text in the ballot pamphlet.

**Section 12. Ballot Arguments** That the President of this Board and/or designees are hereby authorized to prepare and file with the Registrar of Voters any ballot argument prepared in connection with the election, including a rebuttal argument, each within the time established by the Registrar of Voters, which shall be considered the official ballot arguments of the Board of Trustees as sponsor of the measure.

**Section 13. Official Actions** That the 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 tax measure on the ballot including making alterations in the ballot language stated in Exhibits A and B hereto to comply with requirements of law and election officials.

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COUNTY OF SANTA CLARA  
By \_\_\_\_\_ Deputy

**ADOPTED, SIGNED AND APPROVED** by the Board of Trustees of the  
Evergreen School District at a regular meeting this 8th day of July 2004.

AYES: 5

NOES: 0

ABSENT: 0

Kathy Bowers  
President of the Governing Board  
of Evergreen School District

Attested to:

Carolyn A. Clark  
Clerk of the Governing Board  
of Evergreen School District

**F I L E D**

**JUL 12 2004**

**REGISTRAR OF VOTERS  
COUNTY OF SANTA CLARA**

By J Deputy

EXHIBIT A

8215-label

ABBREVIATED TEXT OF MEASURE \_\_\_\_

To ensure funding for local Evergreen schools that cannot be taken away by the State  
and that will be used to continue K-3 class-size reduction; keep school libraries open;  
support technology in every school; and provide a textbook for every child: shall the  
Evergreen Elementary School District be authorized to levy a tax of ~~Ninety Four Dollars~~  
(\$94) per parcel per year for a period of only four years with an exemption for persons  
aged 65 or older?

31

25

19

Remove  
brackets

75

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REGISTRAR OF VOTERS  
COUNTY OF SANTA CLARA

By \_\_\_\_\_ Deputy

EXHIBIT B

8215-2

FULL BALLOT TEXT

*kill text  
starts here*

The following is the full ballot text of the proposition to be presented to the voters by the Evergreen School District in the ballot pamphlet:

Shall the Evergreen Elementary School District be authorized to levy a tax of Ninety-Four Dollars (\$94) per parcel per year for a period of only four years?

The purpose of the special tax is to provide funding for local Evergreen schools that cannot be taken away by the State and to improve the quality of education in the District by taking actions including:

1. Continuing K-3 class-size reduction
2. Keeping school libraries open
3. Providing a textbook for every child
4. Supporting technology in every school

**UNDER NO CIRCUMSTANCES SHALL ANY OF THE PROCEEDS OF THE TAX BE USED FOR ADMINISTRATIVE SALARIES.**

The term "parcel" shall mean any parcel of land, developed or undeveloped, wholly or partially located within the District, for which the County Assessor has assigned an assessor's identification number.

An exemption shall be granted annually on any parcel owned by one or more persons, 65 years or over, occupying said parcel as a principal residence, upon annual application for exemption. In addition, exemptions may be granted annually for owners of multiple parcels that are contiguous and constitute one economic unit, meaning they have the same primary purpose as the principal parcel and are not separate and distinct properties that can be independently developed or sold and for property owners whose properties are extensively damaged by a natural disaster.

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

The proceeds of this special tax shall be applied only to the specific purposes identified above. The proceeds of the special tax shall be deposited into a fund that shall be kept

separate and apart from other funds of the District. No later than January 1 of each year while the tax is in effect, the District shall prepare and file with the Board of Trustees a report detailing the amount of funds collected and expended and the status of any project authorized to be funded by this measure.

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