

FONTANA UNIFIED SCHOOL DISTRICT
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BOARD OF EDUCATION MEETING AGENDA

DATE: March 21, 2011
TIME: 6:00 p.m. (Open Session)
PLACE: John D. Piazza Education Center
9680 Citrus Avenue, Fontana, California 92335

NOTICE TO THE PUBLIC: Persons wishing to speak to the Board of Education regarding any item on the agenda or during the opportunity for public comment are requested to fill out a card to address the Board, which are available on the tables in the foyer, and adhere to the instructions therein.

Individuals who require disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee in writing at least two days before the meeting date. *(Board Bylaw 9320)*

I CALL TO ORDER

II ADOPT AGENDA

Motion made by ____ seconded by ____ vote ____

III PLEDGE OF ALLEGIANCE

IV OPPORTUNITY FOR PUBLIC COMMENT

At this time, members of the public may address the Board on items not on the agenda. When called for comment, please state your name at the podium and limit your remarks to the allotted time. In accordance with Board Bylaw 9323, the Board shall limit the total time for each subject to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

Speakers are cautioned that under California law no person is immune from liability for making intentionally false or defamatory comments regarding any person simply because those comments are made at a public meeting.

V BARGAINING UNIT REPRESENTATIVES COMMENTS

VI DISCUSSION/ACTION SESSION

1. Public Hearing (Ref. A)

This item is for the Board to hold a public hearing on Resolution No. 11-53 ordering a special election for the purpose of submitting to qualified electors of the District the question of levying a qualified special tax upon each parcel in the District for educational purposes and establishing the specification of the election order as submitted in Reference A of the agenda.

PUBLIC
HEARING

2. Parcel Tax Resolution (Ref. A)

DISCUSSION
and / or
ACTION

This item is for the Board to consider action to adopt Resolution No. 11-53 ordering a special election for the purpose of submitting to qualified electors of the District the question of levying a qualified special tax upon each parcel in the District for educational purposes and establishing the specification of the election order as submitted in Reference A of the agenda.

Motion made by ___ seconded by ___ vote ___

VII ADJOURNMENT

Motion made by ___ seconded by ___ vote ___

The next regularly scheduled meeting will be held on Wednesday, April 6, 2011

FONTANA UNIFIED SCHOOL DISTRICT
Fontana, California

ITEM TITLE: Public Hearing and Action on
Parcel Tax Resolution

BOARD OF EDUCATION MEETING: 03/21/11
Discussion / Action Session

BACKGROUND:

The Fontana Unified School District is committed to offering its students a challenging and quality education, versed in the arts and academics, with emphasis in math, science and English proficiency. Securing an exceptional program requires adequate funding. The District is faced with the most severe financial emergency of the post-Proposition 13 era. The District has had to cut, re-allocate and/or delay over \$50 million in educational programs or services because of the financial emergency. Future cuts appear likely. If the District does not get additional funding, then the alternative is to further cut the District's budget to meet the budgetary demands. This will mean fewer staff, larger classes, and fewer programs for our students, less maintenance, and general deterioration of District property. The State of California has failed to provide adequate funding and has deferred funding. A temporary solution to stem the crisis and return the District to 2004/05 status of providing smaller class sizes and exceptional programs is through Section 4 of Article XIII C of the California Constitution and Sections 50075 and 50079 of the California Government Code. The provisions authorizes a school district, upon approval of two-thirds of the electorate voting on the measure, to levy a special tax for specified purposes following notice and a public hearing.

As a special tax the funding mechanism, the revenue received can only be used for the purpose stated in the resolution ordering the election. Low income seniors can be made exempt from the parcel tax, but would have to apply for the exemption. The tax would be a Temporary Emergency Educational Tax that is collected by the San Bernardino County Tax Collector.

At its meeting on March 16, 2011, the FUSD Board of Education voted to hold a special meeting for a public hearing and consideration of adopting the resolution ordering a special election.

FISCAL IMPLICATION:

Potentially may fill a gap in funding for educational purposes.

RECOMMENDATION:

This item is for the Board to hold a public hearing and consider action to adopt Resolution No. 11-53 ordering a special election for the purpose of submitting to qualified electors of the District the question of levying a qualified special tax upon each parcel in the District for educational purposes and establishing the specification of the election order.

CLOB/cs

Attachment

RESOLUTION NO. 11-53

**BOARD OF TRUSTEES
FONTANA UNIFIED SCHOOL DISTRICT**

RESOLUTION ORDERING A SPECIAL ELECTION TO BE HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT THE QUESTION OF LEVYING A QUALIFIED SPECIAL TAX UPON EACH PARCEL IN THE DISTRICT FOR EDUCATIONAL PURPOSES AND ESTABLISHING THE SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the "Board") of the Fontana Unified School District (the "District") has determined that the present revenues of the District are inadequate to fund the cost of education within said District, and

WHEREAS, Section 4 of Article XIII A of the California Constitution and California Government Code Sections 50079 et seq. and 50075 et seq. (the "Law") authorize a school district, upon approval by 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, on March 21, 2011, the Board held a public hearing, which was duly noticed and whereby all interested persons were heard on the matter of holding an election in the District on the matter of levying a qualified special tax on each parcel in the District; and

WHEREAS, under the California Elections Code, including specifically Section 4108 thereof, the District is authorized to call an election to be conducted pursuant to all mailed ballots on the established mailed ballot election dates described in Section 1500 of the California Elections Code, or on any other date other than the established election dates described in Elections Code Section 1000; and

WHEREAS, in addition, pursuant to California Elections Code Section 10406, the District is authorized to call for a parcel tax election to be consolidated with a special statewide election if the District calls such election within four days from the date of issuance of the Governor's proclamation or the effective date of a statute calling for the statewide special election; and

WHEREAS, the Board desires to call an election in the District for the purpose of submitting to the voters in the District the matter of levying a qualified special tax on each parcel in the District for educational purposes and to designate the specifications thereof, pursuant to Education Code Section 5320 et seq.;

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE FONTANA UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

Section 1. Call for Election. The Board hereby orders an election and submits to the electors of the District the question of whether a qualified special tax shall be levied and collected in the District for the purposes as set forth more fully in the ballot proposition approved herein. This Resolution constitutes the order of the District to call such election and shall constitute the "specifications of the election order" pursuant to Education Code Section 5322.

Section 2. Election Date. The date of the election shall be June 21, 2011 and shall be conducted pursuant to all-mailed ballots, all as provided for in Elections Code Section 4108; *subject, however, to change as described in Section 17 hereof.* The election shall be held solely within the boundaries of the District, which have not changed since the District's last election.

Section 3. Purpose of Election; Ballot Proposition. The purpose of the election shall be for the voters in the District to vote on a proposition, a full copy of which is attached hereto and marked "Exhibit A – Ballot Measure – Full Text of Measure," containing the question of whether the District shall levy a qualified special tax in the District for the purpose stated therein, together with the accountability requirements of Government Code Section 50075.1 (the "Full Text of the Measure"). The Full Text of the Measure, which commences with the heading "FULL TEXT OF MEASURE" and includes all of the text thereafter on Exhibit A, shall be printed in the voter information pamphlet provided to voters. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto and marked as "Exhibit B – Ballot Measure – Abbreviated Form." The Superintendent or his designee is hereby authorized and directed to make any changes to the text of the proposition as required to conform to any requirements of the Law or the San Bernardino County Registrar of Voters or any other order or mandate issued in respect thereto.

Section 4. Authority for Election. The authority for ordering the election is contained in Section 4 of Article XIII A of the California Constitution and California Government Code Sections 50079 et seq. and 50075 et seq., and the election is called in compliance with Article XIII C of the California Constitution. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

Section 5. Type of Tax Rate, and Method of Collection. Upon approval by two-thirds (2/3) of the electorate voting on the measure, said qualified special tax shall be levied in an equal amount against each parcel of taxable real property in the District at the rate of \$96.00 per parcel.

A parcel shall be defined as any unit of land in the District that receives a separate tax bill from the San Bernardino County Tax Collector. With respect to any parcel that is classified by the San Bernardino County Assessor as multi-family residential containing two (2) to four (4) units shall constitute two (2) parcels, and those containing five (5) or more units shall constitute five (5) parcels, for the purposes of levying and collecting the special tax against such parcels, to the extent permitted by law.

Section 6. Exemptions.

(a) *Otherwise Exempt Property.* All property that would otherwise be exempt from property taxes will also be exempt from the qualified special tax.

(b) *Senior Citizens.* An exemption shall be available to persons who are 65 years or older and own and occupy as a principal residence a parcel (as defined in Section 5) and apply to the District for such exemption under procedures established by the District or otherwise as required by law or by the San Bernardino County Tax Collector.

Section 7. Accountability Requirements. The members of the Board, the Superintendent and officers of the District are hereby requested and directed, individually and collectively, to comply with the accountability measures pursuant to Government Code Section 50075.1 that include, but are not limited, to the following: (a) a statement indicating the specific purposes of the special tax, (b) a requirement that the proceeds of the special tax be applied only to the specific purposes identified in the ballot measure, (c) the creation of an account into which the proceeds of the special tax shall be deposited, and (d) an annual report pursuant to Government Code Section 50075.3 as provided in Section 7 hereof. Such accountability measures shall be set forth on the ballot in the form of Exhibit A attached hereto and incorporated herein by reference.

Section 8. Annual Report. Pursuant to Government Code Section 50075.3, the Board directs the chief fiscal officer of the District to file a report with the Board each year containing (a) the amount of special tax funds collected and expended and (b) the status of any project required or authorized to be funded from the proceeds of the special taxes as identified in Section 7(a) hereof.

Section 9. Delivery of this Resolution. The Clerk of the Board is hereby directed to send a copy of this Resolution to the San Bernardino County Superintendent of Schools, the San Bernardino County Registrar of Voters (the "County Registrar") and the San Bernardino County Clerk of the Board of Supervisors.

Section 10. Consolidation of Election. The County Registrar and the San Bernardino County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held in the District date set forth in Section 2 hereof.

Section 11. Ballot Arguments; Delegation of Authority. Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The Superintendent, President of the Board, or their designees, are hereby authorized to execute any document and to perform all acts necessary to place the measure on the ballot.

Section 12. Notice of Election. That the San Bernardino County Registrar of Voters is hereby requested to prepare a formal Notice of Election in time, form and manner as required by law. The suggested form of notice of the election is as follows:

FONTANA UNIFIED SCHOOL DISTRICT
ELECTION NOTICE

NOTICE IS HEREBY GIVEN to the qualified electors of the Fontana Unified School District (the "District") of San Bernardino County, that in accordance with law, a special election will be held on Tuesday, the 21st day of June, 2011 in the District, at which election there will be submitted the question of levying \$96.00 per parcel annually for four years, exempting seniors, with citizens' oversight and no money for administrators' salaries, for the purpose of raising money to pay educational costs.

Section 13. Reimbursement for Services Performed. The Fontana Unified School District agrees to reimburse San Bernardino County Registrar of Voters for services performed when work is completed on the election upon presentation of a bill to the District Superintendent.

Section 14. Professional Services. The Board hereby appoints Dale Scott & Company as Financial Advisor and Jones Hall, A Professional Law Corporation as Legal Counsel in connection with the parcel tax proceedings. The agreements for such services on file with the Superintendent are hereby approved, and the Superintendent is hereby authorized and directed to execute such agreements.

Section 15. Election Pursuant to Law. In all particulars not recited in this Resolution, said election shall be held and conducted as provided by law for holding school district elections in the District.

Section 16. Certification by Clerk of the Board That the Clerk of the Board shall certify to the passage and adoption of and shall make minutes of the passage and adoption therefore in the records of the proceedings of the Board of Trustees of the District, in the minutes of the meeting at which the same is passed and adopted.

Section 17. Change in Election Date Due to June Special Statewide Election.

(a) *Change in Election Date Due to Call for June, 2011 Special Statewide Election.* Notwithstanding that Section 2 calls a special all-mailed ballots election to be conducted on June 21, 2011, the Board hereby finds and determines that, if a special statewide election is called to occur in June, 2011, and such date is not June 21, 2011, then, pursuant to the authority contained in California Elections Code Section 10406, the election called hereby shall be consolidated with and conducted in the same manner, whether by polling place or all mailed ballots, as such special statewide election, and all references in this Resolution to an election to be held on June 21, 2011 shall be replaced with the date of the special statewide election. The District hereby directs and authorizes the Superintendent to submit or re-submit this resolution to the County Elections Office together with any other written directions required by the County to confirm the desire of the District to call the election on the same date as the special statewide election, if so called.

(b) *Effect of No Special Statewide Election.* If a special statewide election is not called for June, 2011, then this resolution shall continue in full force and effect, and the election shall occur via all mailed ballots on June 21, 2011.

(c) *Amendment or Withdrawal.* As provided in Elections Code Section 9605, subject to subsection (a), this election order may only be amended or withdrawn upon a filing of a resolution with the County Registrar of Voters no later than March 31, 2011, which is the 83rd day prior to the June 21, 2011.

RESOLUTION NO. 11-53 ADOPTED, SIGNED AND APPROVED this 21st day of March, 2011.

**BOARD OF TRUSTEES OF THE
FONTANA UNIFIED SCHOOL DISTRICT**

By: _____
President

ATTEST:

Secretary of the Board of Trustees

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO)

I, _____ Secretary/Clerk of the Board of Trustees of the Fontana Unified School District, do hereby certify that the foregoing Resolution was duly adopted by the Board of Trustees of said District at a regular meeting thereof held on the 21st day of March, 2011, and that it was so adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

By: _____
Secretary of the Board of
Trustees of the
Fontana Unified School District

EXHIBIT A

BALLOT MEASURE

FULL TEXT OF MEASURE

INTRODUCTION

To maintain and improve academic programs including reading, writing, science and math; improve student access to computer labs and technology; retain highly qualified teachers; help keep school libraries open and minimize future classroom overcrowding; shall Fontana Unified School District levy \$96.00 per parcel annually for four years (see voter pamphlet) with senior exemptions, no money for administrators' salaries, independent community oversight, and all funds used for neighborhood schools and not taken by the State?

STATEMENT OF PURPOSES

To provide local revenue that cannot be taken by the State and to maintain exceptional public education in our schools, the Fontana Unified School District proposes to levy and collect a qualified special parcel tax as described below (see "SPECIAL TAX AND PROCEDURES" below), and to implement accountability measures in connection with the special parcel tax to provide oversight and accountability to ensure that funds are used to:

- Preserve excellence in core academic programs such as reading, writing, science and math;
- Minimize class size increases in all grades and layoffs for dozens of highly qualified teachers and school employees;
- Continue teacher professional development by providing training programs and activities that support high quality teaching;
- Update computers and technology throughout schools and facilities;
- Provide for staffing and operations of computer labs and libraries;
- Help protect arts, after-school sports and music instruction, course offerings and electives that provide a well-rounded education, challenge students, allow students to be highly competitive for high school and provide instructional support for those struggling with the basics;
- Reduce the impact of deep budget cuts by providing a stable local funding source that cannot be taken away by the State or other school districts; and

- Protect the taxpayers' investment in education and ensure District accountability by providing for oversight and independent financial audits of revenues and expenditures.

The Board of Trustees will utilize parcel tax proceeds for the purposes listed above, unless the Board of Trustees determines in any given year that changes in student population, fiscal constraints, or other changes in state or federal funding make doing so infeasible or inadvisable. In any event, the Board of Trustees will not fund any program or reduction other than those listed above from the proceeds of the special parcel taxes.

SPECIAL TAX AND PROCEDURES

Special Tax Generally. Subject to two-thirds approval of the voters, the special tax of \$96.00 per parcel shall be levied and collected for a period of four (4) years, commencing July 1, 2011, and be collected by the San Bernardino County Tax Collector at the same time as and along with, and shall be subject to the same penalties as general *ad valorem* taxes collected by said tax collector.

Definition of Parcel. A parcel is defined as any unit of land in the District that receives a separate tax bill from the San Bernardino County Tax Collector. With respect to any parcel that is classified by the San Bernardino County Assessor as multi-family residential containing two (2) to four (4) units shall constitute two (2) parcels, and those containing five (5) or more units shall constitute five (5) parcels, for the purposes of levying and collecting the special tax against such parcels, to the extent permitted by law.

Exemptions. (1) All property that would otherwise be exempt from property taxes will also be exempt from the qualified special tax. (2) In addition, in order to provide tax relief to senior citizens in the community, any parcel owned and occupied as a principal residence by a person 65 years of age or older shall be exempt from the levy of the special tax upon proper application to the District. The exemption shall be available pursuant to procedures to be prescribed by the District or otherwise as required by law or by the San Bernardino County Tax Collector.

Exclusive Procedures. The procedures described herein with respect to the levy and collection of the special tax and exemptions, and any additional procedures established by the Board of Trustees, shall be the exclusive claims procedure for claimants seeking an exemption, refund, reduction, or re-computation of the special parcel 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. The District's Board of Trustees shall adopt such additional or supplemental procedures as it deems necessary or convenient for the administration of the qualified special tax.

ACCOUNTABILITY MEASURES

Legally Required Accountability Measures. In accordance with the requirements of California Government Code sections 50075.1 and 50075.3, the following accountability measures, among others, shall apply to the special parcel taxes levied in accordance with this Measure: (a) the specific purposes of the special parcel tax shall be only those purposes identified above; (b) the proceeds of the special parcel tax shall be applied only to those specific purposes identified above; (c) a separate, special account shall be created into which the proceeds of the special parcel taxes must be deposited; and (d) an annual written report shall be made by the District's chief fiscal officer to the Board of Trustees of the District showing (i) the amount of funds collected and expended from the proceeds of the special taxes and (ii) the status of any projects, programs, or purposes required or authorized to be funded from the proceeds of the special taxes, as identified above.

Additional Accountability Measures. In addition to the accountability measures required by State law, an independent Community Oversight Committee shall be appointed by the Board of Trustees to provide fiscal oversight in order to ensure that said funds are spent for the purposes approved by the voters and to communicate with the public regarding the expenditure of said funds. The Community Oversight Committee will review the expenditures of these funds by the District and will report on an annual basis to the Board and to the community on how these funds have been spent.

PROTECTION OF FUNDING

Current law forbids any decrease in State or Federal funding to the District because of the District's adoption of a parcel tax. However, if any such funds are reduced because of the adoption of this parcel tax, then the amount of the special parcel taxes will be reduced annually as necessary in order to restore such State or Federal funding.

SEVERABILITY

The Board of Trustees of the District hereby declares, and the voters by approving this measure concur, that every section, paragraph, sentence and clause of this measure has independent value, and the Board of Trustees 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 be found by a court of competent jurisdiction to be invalid for any reason, all remaining parts hereof shall remain in full force and effect to the fullest extent allowed by law.

EXHIBIT B

**BALLOT MEASURE
ABBREVIATED FORM***

To maintain and improve academic programs including reading, writing, science and math; improve student access to computer labs and technology; retain highly qualified teachers; help keep school libraries open and minimize future classroom overcrowding; shall Fontana Unified School District levy \$96.00 per parcel annually for four years (see voter pamphlet) with senior exemptions, no money for administrators' salaries, independent community oversight, and all funds used for neighborhood schools and not taken by the State?

**Limited to 75 words pursuant to Section 13247 of the California Elections Code.*