

MEASURE BB

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE BB

A school district may levy a qualified special tax upon approval by two-thirds of the votes cast on a measure pursuant to section 4 of article XIII A of the California Constitution and section 50075 *et seq.* of the California Government Code.

The Board of Education (Board) for the Sunnyvale School District (District) proposes renewing an existing parcel tax approved in May 2011. The existing tax will expire on June 30, 2018. If approved, the tax will continue to be levied in the amount of \$59 per parcel per year beginning on July 1, 2018 and ending on June 30, 2025.

Parcels that are (1) contiguous; (2) held under common ownership; (3) have the same primary purpose; and (4) are not separate properties that may be independently developed or sold may be treated as a single parcel for purposes of the levy at the discretion of the District. An exemption from the proposed tax may be granted upon application for any parcel that is an owner-occupied for (1) a person 65 years or older; (2) a person receiving Supplemental Security Income for a disability regardless of age; or (3) a person receiving Social Security Disability benefits whose yearly income does not exceed 250 percent of the 2012 federal poverty guidelines issued by the United States Department of Health and Human Services. The Measure states that persons currently exempted from the existing parcel tax shall automatically be exempted from the renewed parcel tax without a new application, subject to the District's right to verify a property owner's continuing qualification for exemption.

State law requires the District to state the specific purposes for which the tax proceeds will be used and only spend the proceeds of the tax for these purposes. The stated purposes of the proposed tax include: (1) supporting and maintaining existing classroom programs; (2) improving classroom computers and technology; (3) attracting and retaining quality teachers; (4) supporting library programs; (5) protecting and maintaining maintenance, nursing, counseling, and learning-support services; (6) providing textbooks and classroom supplies; and (7) providing high-quality classroom programs and student services. The Measure states that revenue generated by the tax will not be used for District administrative salaries.

The District is required by law to provide additional accountability measures for the proceeds. These measures include: (1) depositing the proceeds into a fund that is separate and apart from other District funds; and (2) providing an annual written report to the Board stating the amount of funds collected and expended, and the status of any project authorized to be funded from the tax proceeds. The Board will maintain its existing independent Citizens' Oversight Committee to provide oversight as to expenditures of parcel tax revenues.

Measure BB was placed on the ballot by the Board.

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE BB-Continued

A "yes" vote is a vote to approve a parcel tax of \$59 per parcel on parcels within the District for seven years commencing on July 1, 2018.

A "no" vote is a vote to not approve the proposed parcel tax.

James R. Williams
Acting County Counsel

By: /s/ Danielle L. Goldstein
Deputy County Counsel

COMPLETE TEXT OF MEASURE BB

SUNNYVALE SCHOOL DISTRICT Measure BB

RECITALS

The Governing Board ("Board") of the Sunnyvale School District ("District") has established the goals of improving academic performance and the quality of education for all children in the District.

In support of these goals and to improve local control of its programs and services, the Board has proposed supplemental educational funding for schools and programs for preschool through eighth grade, including the funds needed to help maintain class sizes and support classroom and library programs.

The community recognizes the positive impact of excellent schools on the quality of life in the District, and that successful schools support and enhance property values. A superior and comprehensive education program delivers many benefits to all the residents of our community.

TERMS

To renew the Sunnyvale School District parcel tax to support classroom programs including math, English, science, and technology; to attract and retain quality teachers and keep class size small; shall the Sunnyvale School District be authorized to renew its existing \$59 per parcel tax providing \$1 million annually for seven years beginning July 1, 2018, with exemptions for senior citizens and all expenditures audited and reviewed by a citizens' oversight committee with no funds spent on administrators?

Moneys raised under this Measure shall be authorized to be used only for the following purposes in accordance with priorities established by the Board and to the extent of available funds:

- to support and maintain existing classroom programs including math, English, and science programs;
- to improve classroom computers and technology;
- to attract and retain quality teachers;
- to provide students with the support and instruction they need to succeed with reading and math skills;
- to support library programs;
- to protect and maintain building and classroom maintenance services;
- to protect and maintain the nursing and health services available to students;
- to protect and maintain counseling and learning support services;
- to provide students and teachers with textbooks and classroom supplies;
- to provide students at all grade levels, from preschool to eighth grade, with high quality classroom programs and student services.

No parcel tax funds will be spent on administrative salaries.

COMPLETE TEXT OF MEASURE BB-Continued

A. Amount and Basis of Tax

This Measure shall authorize the District to levy a special tax of \$59 per Parcel of Taxable Real Property beginning July 1, 2018 for a period of seven (7) years. The District shall provide the Santa Clara County Tax Collector a report indicating the parcel number and amount of tax for each Parcel of Taxable Real Property.

This special tax is estimated to raise \$1 million in annual local funding for District schools. The amount of annual local funding raised by this special tax may vary from year to year due to changes in the number of parcels exempt from the levy.

"Parcel of Taxable Real Property" is defined as any unit of real property in the District that receives a separate tax bill for *ad valorem* property taxes from the County Treasurer-Tax Collector's Office. All public property that is otherwise exempt from or upon which no *ad valorem* property taxes are levied in any year shall also be exempt from the special tax in such year.

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, may at the discretion of the District be treated as a single Parcel of Taxable Real Property for purposes of the parcel tax.

If any portion of this section is deemed contrary to law, the Board declares and the voters by approving the Measure concur, that every other portion and part of this section has independent value, and the Board and voters would have adopted each other portion and part hereof regardless of every other portion or part hereof. If all portions or parts of this section 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 May 2011 election known as "Measure B." The tax authorized by Measure B shall continue to be levied through June 30, 2018 regardless of the outcome of this Measure.

B. Exemptions

Pursuant to any 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:

- a) Sixty five years of age or over who occupies said parcel as a principal residence ("Senior Citizen Exemption");
- b) Receiving Supplemental Security Income for a disability, regardless of age, who occupies said parcel as a principal residence ("SSI Exemption"); or,
- c) Receiving Social Security Disability Insurance benefits, regardless of age, whose yearly income does not exceed 250 percent of the 2012 federal poverty guidelines issued by the United States Department of Health and Human Services, who occupies said parcel as a principal residence ("SSDI Exemption").

COMPLETE TEXT OF MEASURE BB-Continued

Exemptions may be granted based on a one-time application and exemptions granted under prior special taxes levied by the District will not require re-approval, subject to the District's right to verify a property owner's continuing qualification for exemption.

C. Claims / Exemption Procedures

With respect to all general property tax matters within its jurisdiction, the Santa Clara County Tax Assessor 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 tax, including the Senior Citizen Exemption, the SSI Exemption, SSDI Exemption, the application of the definition of "Parcel of Taxable Property" to any parcel(s), the legality or validity of the special tax, 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 special tax.

E. Accountability Provisions

1. *Independent Citizen Oversight Committee.* The Board shall provide for the existing independent Citizens' Oversight Committee to continue to ensure that moneys raised under this Measure are spent only for the purposes described in this Measure. The Committee shall continue to operate pursuant to its current requirements regarding the composition, duties, funding and other necessary information regarding the Committee's formation and operation, subject to revision by the Board.

2. *Annual Audit.* Upon the levy and collection of the education parcel tax, the Board shall cause an account to be established for deposit of the proceeds, pursuant to Government Code Section 50075.1. For so long as the tax is in effect, the Superintendent or the chief financial officer of the District shall cause a report to be filed with the Board no later than December 31 of each year, stating (1) the amount collected and expended in such year, and (2) the status of any projects or description of any programs funded. 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. *Specific Purposes.* All of the purposes named in the measure shall constitute the specific purposes of the education parcel tax, and proceeds thereof shall be applied only for such purposes. 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.

COMPLETE TEXT OF MEASURE BB-Continued

F. Protection of Funding

Current law forbids any decrease in State or federal funding to the District resulting from the adoption of a 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.

ARGUMENT IN FAVOR OF MEASURE BB

Approval of Measure BB will renew a local school parcel tax first approved by voters in 2011. Renewal will continue to provide the Sunnyvale School District with stable, reliable funding that cannot be disrupted or seized by the state. Measure BB will not increase taxes.

Measure BB will provide funds to:

- Protect district programs such as math, English, and science.
- Maintain computers and technology used by students and teachers.
- Attract and retain highly qualified teachers and staff.
- Keep class sizes as small as possible.

As in the past, senior citizens 65 years or older and the disabled who own and reside in their homes can choose to be exempt from this tax. Anyone currently exempt will continue to be exempt if Measure BB is approved by voters. No Measure BB funds will be spent on district administration.

There is also accountability built into Measure BB. An Independent Citizens Oversight Committee will review all Measure BB expenditures. This committee of local residents will make sure that all funds are spent for the benefit of local students.

Sunnyvale schools are among the best in the county because of community support. By continuing the local investment in our schools, we can maintain our award winning programs, continue to provide our students access to libraries and enhance computer skills that are so necessary today. We have great support from our community who expect excellence in our schools and classrooms. Great schools make for great communities.

Quality schools and classrooms protect and enhance our property values and support our students. Measure BB's investment in our schools is a great way to protect and preserve our property values. We owe this and future generations of students the best schools we can provide.

Please join us and vote Yes on Measure BB.

/s/ Nancy S. Tivol
Former Executive Director, Sunnyvale Community Services

/s/ Melinda Hamilton
President, Sunnyvale Education Foundation, Former Mayor, City of Sunnyvale

/s/ Michael E. Klein
Sunnyvale Small Business Owner

/s/ Richard Smith
Funeral Director

/s/ Manuel Macias
Pharmacist-Realtor

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE BB

Proponents are asking for an early renewal of a \$59 parcel tax approved by voters in 2011 for 7 more years. It is scheduled to expire in 2018.

Why are they coming back to the voters 2 years early?

According to the web site: www.ed-data.org, the district revenues for 2014-15 (latest figures available) were \$70,406,965 and for 2013-14 school-year, revenues were \$65,556,707.

That's a \$4,850,258 jump in revenues in just one year. So, why do they need to renew this \$59 parcel tax early?

Answer: they don't.

They are spending \$10,827 per student per year in 2014/15 which is 112% of the statewide average. That's a \$1,049 per student revenue increase year over year.

If they are already receiving and spending \$1,049 per student more than last school year, why do they need an early renewal of this \$59 parcel tax?

Answer: they don't.

And that's on top of the \$96,000,000 bond measure approved in 2013 that is estimated to cost over \$14,114 per student--NOT counting interest expense.

The current tax expires in 2 years. If the parcel tax is needed then, the voters can renew the tax then, but there's no reason to renew it early especially with the current revenues.

More money spent on schools will NOT result in higher test scores, but will result in bigger bureaucracies and fatter pensions. Please **vote NO on Measure BB**.

For more information, visit www.SVTaxpayers.org/2016-sunnyvale-school-parcel-tax

/s/ Mark W.A. Hinkle
President: Silicon Valley Taxpayers Association

ARGUMENT AGAINST MEASURE BB

In 2013, just 3 years ago, voters approved a \$96,000,000 bond measure and now the District is coming back for more loot.

They are asking for an early renewal of a \$59 parcel tax approved by voters in 2011 for 7 more years. It's scheduled to expire in 2018.

Why are they coming back to the voters 2 years early?

According to the web site: www.ed-data.org, the district revenues for 2014-15 (latest figures available) were \$70,406,965 and for 2013-14 school-year, revenues were \$65,556,707.

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And that's on top of the \$96,000,000 bond measure approved in 2013 that is estimated to cost over \$14,114 per student--NOT counting interest expense.

It's time we said no to the tax and spend special interest crowd and reject this parcel tax.

In two years, when the current tax expires, if the parcel tax is needed, then the voters can renew the tax, but there's no reason to renew it early especially with the current revenues.

More money spent on schools will NOT result in higher test scores, but will result in bigger bureaucracies and fatter pensions. Please **vote NO on Measure BB**.

For more information, visit www.SVTaxpayers.org/2016-sunnyvale-school-parcel-tax

/s/ Mark W.A. Hinkle

President: Silicon Valley Taxpayers Association

REBUTTAL TO ARGUMENT AGAINST MEASURE BB

Every Yes vote on Measure BB will support our local elementary and middle schools. Measure BB renews a local school parcel tax first approved by voters in 2011. By placing it on the ballot now, the District will save taxpayers the high cost of a special election just before the current parcel tax expires—a waste of money and a threat to the quality of education provided to local students.

Measure BB:

- Provides a local, reliable source of funds that cannot be taken away by the State
- Supports local neighborhood schools
- Does not raise taxes

Even with recent increases, per pupil funding for California public schools remains far below the national average. All funds from Measure BB remain in Sunnyvale to fund direct services and programs solely for Sunnyvale students. Measure BB funds will not be spent on administrator salaries or pensions.

Local bond funds have transformed 60-year-old schools into 21st Century facilities with up-to-date classrooms, computer and science labs, and libraries. In addition, bonds have attracted more than \$16 million in State matching funds. High quality schools support and protect strong property values.

Sunnyvale School District's award-winning schools are a source of pride in our community.

The Sunnyvale Chamber of Commerce recognizes the Sunnyvale School District for its outstanding fiscal management.

The sole opponent of Measure BB does not live in the District and has no vested interest in the quality of Sunnyvale schools.

Please join us and vote Yes on Measure BB.

/s/ Dean J. Chu
Former Sunnyvale Mayor

/s/ Patricia Castillo
Former Sunnyvale Mayor

/s/ Rosemarie J. Kuykendall
Small Business Owner

/s/ Charles L. Shoemaker
Retired Financial Advisor

/s/ Gustav Larsson
Sunnyvale Vice Mayor