

MEASURE EE

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE EE

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 Trustees (Board) for the Oak Grove School District (District) proposes levying a qualified special tax for educational purposes. If approved, the tax will be levied in the amount of \$132 per parcel per year beginning with fiscal year 2017-2018 and ending nine years later. An exemption from the proposed tax is available upon application to persons who are 65 years or older and own and occupy a parcel as a principal residence. All property that would otherwise be exempt from property tax will also be exempt from the proposed tax.

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 specific purposes of the proposed tax are: (1) maintaining small class sizes; (2) hiring, retaining and training quality teachers; (3) expanding science, technology, engineering, math, language, art, and music education; (4) improving health, safety, security, and maintenance services; and (5) providing before-and after-school programs for District students.

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 also appoint an independent Citizens' Oversight Committee to provide oversight as to expenditures of parcel tax revenues. The District will engage a third-party independent auditor to conduct annual audits reviewing the revenues and expenditures of the proposed tax to confirm that funds are spent for the specified purposes.

Measure EE was placed on the ballot by the Board.

A "yes" vote is a vote to approve a parcel tax of \$132 per parcel within the District for nine years.

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 EE

INTRODUCTION

"To improve education and student achievement in neighborhood schools by maintaining small class sizes; hiring, retaining and training quality teachers; expanding science, technology, engineering, math, language, art, and music education; improving health, safety, security, and maintenance services; and providing before-/after-school programs; shall Oak Grove Elementary School District levy a parcel tax of \$132 per parcel for nine years providing \$3.1 million annually, exempting seniors, with annual audits, citizens' oversight, and all funds used locally?"

PURPOSES

To provide local revenue that cannot be taken by the State and to maintain high-quality public education in schools in the Oak Grove School District (the "District"), the District proposes to levy and collect an education parcel tax annually for 9 years as more fully described below under "EDUCATION PARCEL TAX AND PROCEDURES," and to implement accountability measures in connection with the education parcel tax and to provide oversight and accountability to ensure that funds are used only for the following specific purposes:

- Maintain small class sizes
- Hiring, retaining and training quality teachers
- Expand science, technology, engineering, math, language, art and music education
- Improving health, safety, security and maintenance services
- Provide before-/after-school programs for District students

The Board of Trustees will not fund any program other than those listed above from the proceeds of the education parcel tax.

EDUCATION PARCEL TAX AND PROCEDURES

Amount of Education Parcel Tax. Subject to two-thirds approval of the voters, the education parcel tax of \$132 per parcel (except exempt parcels, as described below) shall become effective for 9 years commencing with fiscal year 2017-18 and be collected by the Santa Clara 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 shall be defined as any unit of land in the District that receives a separate tax bill from the Santa Clara County Tax Collector.

Exemptions. The following exemptions shall apply to the levy of the qualified special tax.

- *Otherwise Exempt Property.* All property that would otherwise be exempt from property taxes shall also be exempt from the education parcel tax.
- *Senior Citizen Exemption.* An exemption shall be available to persons who are 65 years or older and own and occupy as a principal residence a parcel subject to the education parcel tax.

COMPLETE TEXT OF MEASURE EE-Continued

Property owners seeking the senior citizen exemption must apply to the District for such exemption under procedures established by the District or otherwise as required by law or by the Santa Clara County Tax Collector.

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

ACCOUNTABILITY MEASURES

Government Code Accountability. 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 qualified special taxes levied in accordance with this Measure:

- the specific purposes of the education parcel tax shall be those purposes identified above under the heading "PURPOSES,"
- the proceeds of the education parcel tax shall be applied only to those specific purposes identified above under the heading "PURPOSES,"
- a separate, special account shall be created into which the proceeds of the education parcel tax must be deposited; and
- the chief fiscal officer of the District shall file an annual written report with the Board of Trustees of the District showing (1) the amount of funds collected and expended from the proceeds of the education parcel tax and (2) the status of any projects, programs, or purposes identified above under the heading "PURPOSES."

Citizens' Oversight Committee. In addition to the accountability measures required by the Government Code, an independent Citizens' Oversight Committee shall be appointed by the Board of Trustees to advise the Board on the expenditures funded by the measure in order to ensure that said funds are spent for the purposes approved by the voters. The Citizens' Oversight Committee will monitor the expenditures of these funds by the District and will report on an annual basis to the Board and community on how these funds have been spent.

Annual Independent Audits. The District will engage a third party independent auditor to conduct annual audits reviewing the revenues and expenditures of the education parcel tax to confirm that funds are spent for the purposes described in the measure.

PROTECTION OF FUNDING

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

COMPLETE TEXT OF MEASURE EE-Continued

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.

ARGUMENT IN FAVOR OF MEASURE EE

Great schools make a difference!

Quality public schools are crucial to our community's health and quality of life. With seventeen of our schools having earned the prestigious California Distinguished School Award, Oak Grove School District is one of the top performing districts in the County.

Many of us grew up benefiting from an excellent public elementary school education. Your **YES** vote on **Measure EE** invests in providing those learning opportunities for today's children and future generations.

- Great teachers are essential to a strong education. California is currently experiencing a teacher shortage crisis. **Measure EE helps attract and retain high quality teachers for every classroom.**
- Studies show small class sizes lead to great gains in academic achievement. **Measure EE maintains class sizes and creates better learning environments for students.**
- Today's students need to be prepared for tomorrow's jobs. **Measure EE expands science, technology, engineering and math programs** to give our students the academic background needed to thrive in Silicon Valley's economy.
- **Measure EE invests in improving health, student safety, security** and maintenance services by providing enhanced supervision and safety at all schools.
- Studies show students involved in arts and music programs score higher on SATs. **Measure EE expands art and music programs** at our schools.

Measure EE is a smart investment. **High quality schools protect property values and provide for a strong community.** It will cost homeowners only \$11 a month, cannot increase over time, expires in 9 years, and allows for an exemption for senior citizens. Measure EE has built in taxpayer protections requiring an annual audit, citizen's oversight committee, and all funds must be spent locally.

Measure EE is our opportunity to ensure that our schools remain the pride of our neighborhoods where all of our children receive a world class education.

Our students deserve our support. Vote **YES** on **Measure EE**.

/s/ Mark Lepori
Principal Santa Teresa Elementary OGSD

/s/ Daniel L. Judnick
Retired Teacher OGSD

/s/ Dennis Hawkins
Oak Grove Board President

/s/ Dominic Rizzi
Acting President Oak Grove Educators Association

/s/ Yvonne Campbell
District Advisory Council, President

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE EE

In 2014, voters approved an \$89,800,000 bond measure and now the District is back for more loot.

In 2010, voters approved a \$68 parcel tax and now they want a whooping increase to \$132 per parcel for 9 more years (double the previous parcel tax).

According to the website: www.ed-data.org, the district revenues for 2014-15 (latest figures available) were \$98,410,216 and for 2013-14 school-year, revenues were \$92,736,607.

That's a \$5,673.609 jump in revenues in just one year. So, why do they need to more than double the previous \$68 parcel tax?

Answer: they don't.

They spent \$8,592 per student per year in 2014/15; a \$519 per student revenue increase year over year.

The district attendance has dropped by 676 students since the 2010-11 school year.

If they are already receiving and spending \$519 per student more than last school year, why do they need more than a doubling of the \$68 parcel tax?

Answer: they don't.

And that's on top of the \$125,000,000 bond measure debt approved in 2008 and the \$89,800,000 bond measure debt approved in 2014--NOT counting interest expense.

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

Just once, wouldn't you like to see a "temporary tax" actually expire?

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 EE**.

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

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

ARGUMENT AGAINST MEASURE EE

In 2014, voters approved a \$89,800,000 bond measure and now the District is coming back for more loot.

In 2010, voters approved a \$68 parcel tax and now they're coming back for a whooping increase to \$132 per parcel for 9 more years. More than double the previous parcel tax.

According to the web site: www.ed-data.org, the district revenues for 2014-15 (latest figures available) were \$98,410,216 and for 2013-14 school-year, revenues were \$92,736,607.

That's a \$5,673.609 jump in revenues in just one year. So, why do they need to more than double the previous \$68 parcel tax?

Answer: they don't.

They are spending \$8,592 per student per year in 2014/15 which is 98% of the statewide average. That's a \$519 per student revenue increase year over year.

The district attendance has dropped by 676 students since the 2010-11 school year.

If they are already receiving and spending \$519 per student more than last school year, why do they need more than a doubling of the \$68 parcel tax?

Answer: they don't.

And that's on top of the \$125,000,000 bond measure debt approved in 2008 and the \$89,800,000 bond measure debt approved in 2014--NOT counting interest expense.

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Just once, wouldn't you like to see a "temporary tax" actually expire?

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

REBUTTAL TO ARGUMENT AGAINST MEASURE EE

Don't be confused by the opponent of this measure who represents an out of town special interest group which opposed every education related measure on the June 2016 ballot. Don't be swayed by a group with no stake in our children's futures.

As a resident in Oak Grove School District, you know our schools are the pride of our community. That's why teachers, community leaders, and parents agree that Measure EE gives our students the resources they need to keep the Oak Grove School District as one of the top performing districts in the County.

The Oak Grove School District is a good steward of our tax dollars. **This year the District refinanced its bonds saving taxpayers an expected \$40 million over time.** Measure EE requires annual audits, citizen's oversight, and all funds must be spent locally. Measure EE cannot increase over time, expires in 9 years, and provides a senior citizen exemption.

Voters did recently support a bond to make physical improvements to our schools. However, Measure EE provides funds to operate our schools and provide educational programs to support students and teachers.

Measure EE will:

- **attract and retain high quality teachers for every classroom,**
- **maintain class sizes and create better learning environments for students,**
- **expand science, technology, engineering and math programs,**
- **expand art and music programs,**
- **improve health, student safety, security and maintenance services at all schools.**

High quality schools protect property values and provide for a strong community, making Measure EE a smart investment in our children and neighborhoods.

Join local teachers, community leaders and parents in voting YES on Measure EE.

/s/ Ash Kalra
Councilmember, District 2

/s/ Emmanuel Barbara
Former Superintendent, Oak Grove SD