RESOLUTION NO. #2019-37
RESOLUTION OF THE BOARD OF TRUSTEES OF THE FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT CALLING FOR A MARCH 3, 2020 PARCEL TAX ELECTION

WHEREAS, the Foothill-De Anza Community College District (the “District”) is devoted to providing an affordable, quality, well-rounded public education which provides workforce training and four-year college and university transfer opportunities to all students; and

WHEREAS, the District believes strong programs in math, science, technology and the arts, will prepare students for four-year universities and good paying jobs such as in science, technology, health-science, and manufacturing; and

WHEREAS, since the cost of attending California universities has risen to at least five times that of a community college more students and their families rely on their local community college to save tens of thousands of dollars for a quality education; and

WHEREAS, great teaching is the core of strong academic performance, and to maintain our high standard of excellence, both Foothill College and De Anza College need to continue to attract and retain high-quality faculties; and

WHEREAS, in addition to supporting a high-quality faculty the District is committed to supporting its students to succeed in being trained for good-paying jobs and for transfer to a four-year university; and

WHEREAS, the Bay Area is facing an unprecedented housing and affordability crisis, and many of our students face food insecurity and hunger issues as well as experiencing homelessness; and

WHEREAS, a local educational and teacher excellence funding measure could help attract and retain quality teachers and provide a stable source of funding that supports Foothill College and De Anza College and which cannot be taken by the State of California (the “State”); and

WHEREAS, the State does not provide the District with sufficient funds for the District to fulfill its educational mission; and

WHEREAS, continued stable local funding is needed to maintain our well-rounded core programs in math, science, engineering, technology, and the arts, and provide an affordable alternative for working class students and their families to pursue their education; and
WHEREAS, Article XIII A, Section 4 of the California Constitution and Sections 50075 et seq., of the Government Code permit a community college district to impose a parcel tax for specified purposes and to levy such tax following approval by at least two-thirds of the voters voting upon the proposition; and

WHEREAS, the Board of Trustees (the “Board”) of the District proposes to place a measure on the March 3, 2020 ballot to levy a local educational and teacher excellence parcel tax upon parcels of land within the District for the purposes set forth in this Resolution; and

WHEREAS, the Board will apply all the proceeds of the parcel tax to support the faculty and students of Foothill College and De Anza College, for maintenance of academic programs essential to transfer to a four-year university and a good-paying career, and for uses as set forth in this Resolution, and will not use any of said proceeds for administrator’s salaries, benefits or pensions; and

WHEREAS, all expenditures of the parcel tax will be subject to citizen oversight and annual reports to ensure funds are spent appropriately; and

WHEREAS, the parcel tax revenues will be controlled locally benefitting only Foothill College and De Anza College and cannot be taken by the State or by other districts; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Foothill-De Anza Community College District as follows:

Section 1. This Board finds and determines that the foregoing recitals are true and correct.

Section 2. This Board hereby proposes to levy a local control parcel tax to provide stable local funding the State cannot take away to:

• Attract and retain a high-quality faculty;
• Better prepare students and workers for transfer to four-year colleges and universities;
• Maintain programs that prepare students for good-paying jobs;
• Provide affordable programs to students facing food insecurity and hunger;
• Provide affordable programs to students experiencing homelessness;
• Expand mental health services and counselors; and
• Support the repair, upgrade and maintenance of aging facilities.
UNDER NO CIRCUMSTANCES SHALL ANY OF THE PROCEEDS OF THE EDUCATIONAL AND TEACHER EXCELLENCE PARCEL TAX BE USED FOR ADMINISTRATORS’ SALARIES, BENEFITS OR PENSIONS.

Pursuant to Government Code Section 50075.1 the Board determines that the proceeds of the educational and teacher excellence parcel tax shall only be applied for the purposes stated above.

Section 3. Subject to voter approval, a new $48 per parcel tax shall be levied, which will commence on July 1, 2020, and shall be continued for five (5) years from that date.

As used herein, the term “Parcel” means any parcel of land which lies wholly or partially within the boundaries of the District, for which the Santa Clara County Assessor’s Office (“Assessor”), issues a separate tax bill for ad valorem property taxes; provided, however, that any such parcels which are (i) contiguous, and (ii) used solely for owner-occupied, single-family residential purposes, and (iii) held under identical ownership, may, by submitting an application of the owners thereof by June 15 of any year to the District be treated as a single parcel for purposes of the levy of this education parcel tax.

Section 4. Subject to voter approval as set forth below, the parcel tax shall be levied commencing with the 2020-2021 fiscal year of the District, and shall be collected with, and in the same manner and subject to the same interest and penalties as, general ad valorem property taxes collected by the Santa Clara County Treasurer and Tax Collector (the “Tax Collector”). In accordance with the requirements of Government Code Section 50075.1(c), the District shall create a separate account into which the proceeds of the special tax shall be deposited.

Section 5. The levy and collection of the parcel tax is not intended to decrease or offset any increase in local, state or federal government funding sources that would otherwise be available to the District at any time during which the parcel tax may be levied. In the event that the levy and collection of the parcel tax does have such an effect, the District shall reduce the parcel tax levy to the extent of any such decrease or offset.

Section 6. The Board shall provide in each year (pursuant to Section 7902.1 of the Government Code) for any increase in the District’s appropriation limit as shall be necessary to ensure that proceeds of the parcel tax may be spent for the authorized purposes set forth in Section 2 above and Section 7 below.

Section 7. The Board hereby requests that the Santa Clara County Registrar of Voters submit the measure attached hereto as Exhibit B to the voters of the District and to print the entire Full Ballot Text in the ballot pamphlet to be published and mailed for the election scheduled for Tuesday, March 3, 2020.

The abbreviated text of the ballot proposition with respect to the foregoing measure shall read as shown in Exhibit A hereto.
The District's Chancellor, or designee, is hereby authorized and directed to make any changes to the text of the measure, or to the abbreviated form of the measure, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of elections officials, and requirements of law.

Section 8. The measure set forth in Exhibits A and B shall be submitted to the voters of the District at an election to be held on March 3, 2020. If approved by at least two-thirds of the voters voting on the measure, the measure shall take effect on July 1, 2020.

Section 9. This Resolution shall stand as the order to the Santa Clara County Registrar of Voters to call an election within the boundaries of the District on March 3, 2020. This Board requests that the District election be consolidated with any and all elections to be held within the boundaries of the District on March 3, 2020. As provided in Elections Code Section 10403, the District acknowledges that the consolidation election will be conducted in the manner described in Elections Code Section 10418.

Section 10. The Board hereby requests that the Santa Clara County Registrar of Voters or other appropriate election officials, take all actions which are necessary or appropriate in connection with the election, including, but not limited to, printing and mailing sample ballots, arguments and applications for absentee ballots, canvassing election returns and certifying the results of the election to the Board. The Board hereby agrees to reimburse Santa Clara County in full for any services performed by it for the District upon presentation of an invoice to the District.

Section 11. The Secretary of the Board is hereby authorized and directed to deliver a copy of this Resolution to the Santa Clara County Registrar of Voters, as well as the Clerk of the Santa Clara County Board of Supervisors, not later than December 6, 2019, and to give notice of the election by causing the Santa Clara County Registrar of Voters to publish the text of the measure and other items, not later than 15 days before the date of the election. The Secretary of the Board is hereby further authorized and directed to post a copy of this Resolution on or near the doors of the District Office and in three public places within the District for at least two weeks before the date of the election.

Section 12. If any section, subsection, phrase or clause of this Resolution is for any reason found to be invalid, such section, subsection, phrase or clause shall be severed from, and shall not affect the validity of, all remaining portions of this Resolution which can be given effect without the severed portion.

Section 13. The members of the Board are hereby authorized, but not directed, to prepare and file with the Santa Clara County Registrar of Voters a ballot argument in favor of the proposition contained in Section 7 hereof, within the time established by the Registrar.

Section 14. Subject to two-thirds approval of the District’s voters, the parcel tax shall be collected by the Tax Collector, at the same time and manner and shall be subject to
the same penalties as *ad valorem* property taxes collected by the Tax Collector. The Parcel Tax shall bear interest at the same rate for unpaid *ad valorem* property taxes until paid.

**Section 15.** The chief fiscal officer of the District shall, pursuant to Government Code Section 50075.3, file an annual report to the Board of Trustees as provided herein accounting for the local control tax revenues collected and the manner in which they have been spent.

**Section 16.** The officers of the District are, and each of them acting alone is, hereby directed to take such other actions and to execute such other documents as are necessary to carry out the purposes of this Resolution.

**Section 17.** Pursuant to Elections Code Section 10400 the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass be made by any body or official authorized by law to canvass the returns of the election, and that the Board consents to such consolidation.

The foregoing Resolution was adopted by the Board of Trustees of the Foothill-De Anza Community College District at a regular meeting held on November 25, 2019, by the following vote:

AYES: ____

NOES: ____

ABSTAIN: ____

ABSENT: ____

/s/
President, Board of Trustees
Foothill-De Anza Community College District

ATTEST:

/s/
Secretary to the Board of Trustees
Foothill-De Anza Community College District
EXHIBIT A

ABBREVIATED BALLOT TEXT

“FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT EDUCATIONAL AND TEACHER EXCELLENCE MEASURE. To provide funding for local colleges that cannot be taken by the State; keep college education affordable; attract and retain quality teachers; support homeless, hungry students; maintain science, technology, health-science programs; and prepare students for university transfer, career and job training, shall Foothill-De Anza Community College District’s measure levying $48 per parcel for 5 years ($5,500,000 annually), be adopted, with citizens’ oversight, and with no funds for administrator salaries?”

Yes _____ No _____
INTRODUCTION AND PURPOSE

To provide funding for programs which prepare students for transfer to four-year colleges and universities, provide local reliable funding for Foothill College and De Anza College that cannot be taken by the State, attract and retain high quality faculty, ensure an affordable education to local students and families, support homeless, hungry students, maintain programs to prepare students for good-paying jobs, provide counselors, with no proceeds used for administrators’ salaries, benefits and pensions, the Foothill-De Anza Community College District (“District”) proposes a voter approved educational and teacher excellence parcel tax for a period of five years from starting date of July 1, 2020, at a rate of $48 per parcel per year, and to implement accountability measures, including citizen oversight, to ensure the funds are used to help:

- Attract and retain a high-quality faculty;
- Better prepare students and workers for transfer to four-year colleges and universities;
- Maintain programs that prepare students for good-paying jobs;
- Provide affordable programs to students facing food insecurity and hunger;
- Provide affordable programs to students experiencing homelessness;
- Expand mental health services and counselors; and
- Support the repair, upgrade and maintenance of aging facilities.

The proceeds of the parcel tax shall be deposited into a separate account created by the District.
DEFINITION OF “PARCEL”

For purposes of the educational and teacher excellence parcel tax, the term “Parcel” means any parcel of land which lies wholly or partially within the boundaries of the Foothill-De Anza Community College District, that receives a separate tax bill for ad valorem property taxes from the Santa Clara County Assessor. All property that is otherwise exempt from or upon which are levied no ad valorem property taxes in any year shall be exempt from the educational and teacher excellence parcel tax in such year.

For purposes of this education parcel tax, any such “Parcels” which are (i) contiguous, and (ii) used solely for owner-occupied, single-family residential purposes, and (iii) held under identical ownership may, by submitting to the District an application of the owners thereof by June 15 of any year, be treated as a single “parcel” for purposes of the levy of the educational and teacher excellence parcel tax.

REDUCTION IN TAX IF RESULT IS LESS OTHER GOVERNMENT SUPPORT

The collection of the educational and teacher excellence parcel tax is not intended to decrease or offset any increase in local, state or federal government revenue sources that would otherwise be available to the District during the period of the parcel tax. In the event that the levy and collection does have such an effect, the District may cease the levy or shall reduce the parcel tax to the extent that such action would restore the amount of the decrease or offset in other revenues.

ACCOUNTABILITY MEASURES

In accordance with the requirements of Government Code Sections 50075.1 and 50075.3, the following accountability measures, among others, shall apply to the parcel tax levied in accordance with this Measure: (a) the specific purposes of the parcel tax shall be those purposes identified above; (b) the proceeds of the 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 local control parcel tax must be deposited; and (d) an annual written report shall be made to the Board of Trustees of the District showing (i) the amount of funds collected and expended from the proceeds of the local control parcel tax and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the parcel tax, as identified above. In addition to the accountability measures required by law, the District will maintain a Citizens’ Oversight Committee to provide oversight as to the expenditure of parcel tax revenues.

*End of Full Ballot Text of Measure*
NOTICE IS HEREBY GIVEN to the qualified electors of the Foothill-De Anza Community College District that in accordance with the provisions of the Government Code of the State of California, an election will be held on March 3, 2020, at which election the following proposition shall be submitted to the qualified electors of the District and voted upon:

“FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT EDUCATIONAL AND TEACHER EXCELLENCE MEASURE. To provide funding for local colleges that cannot be taken by the State; keep college education affordable; attract and retain quality teachers; support homeless, hungry students; maintain science, technology, health-science programs; and prepare students for university transfer, career and job training, shall Foothill-De Anza Community College District’s measure levying $48 per parcel for 5 years ($5,500,000 annually), be adopted, with citizens’ oversight, and with no funds for administrator salaries?”

Yes _____  No _____

The Santa Clara County Registrar of Voters, by this Formal Notice of Election, has called the election pursuant to a Resolution of the Board of Trustees of the Foothill-De Anza Community College District, adopted on November 25, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____ 2019.

_______________________________
Santa Clara County Superintendent of Schools