

**BOARD REPORT NO. 10-3-100B**

TO: Members of the Board of Trustees  
FROM: Ron Galatolo, Chancellor  
PREPARED BY: Barbara Christensen, Director of Community/Government Relations

**PUBLIC HEARING REGARDING CALLING AN ELECTION FOR A PARCEL TAX;  
ADOPTION OF RESOLUTION NO. 10-4 ORDERING A SPECIAL ELECTION TO BE HELD  
ON TUESDAY, JUNE 8, 2010 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED  
ELECTORS OF THE DISTRICT THE QUESTION OF LEVYING A SPECIAL TAX UPON  
EACH PARCEL IN THE DISTRICT FOR EDUCATIONAL PURPOSES AND ESTABLISHING  
THE SPECIFICATIONS OF THE ELECTION ORDER**

On February 24, the Board directed the Chancellor to publish notice of a public hearing to be held at this meeting. Such notice was published as follows:

Notice is hereby given, pursuant to Government Code Section 50077, that a public hearing will be held by the Board of Trustees of the San Mateo County Community College District (the "District") on March 10, 2010 at 6:00 p.m. or as soon thereafter as convenient, in the District Board Room at 3401 CSM Drive, San Mateo, California, for the purpose of considering calling an election to levy \$34 per parcel per year for four years, exempting seniors, pursuant to Government Code Section 50075 et seq. Any interested persons, including all persons owning parcels in the District, may appear and be heard at the public hearing. For additional information, please contact Barbara Christensen, Director of Community/Government Relations, by email ([Christensen@smccd.edu](mailto:Christensen@smccd.edu)) or telephone (650-574-6510).

**RECOMMENDATION**

It is recommended that the Board conduct the public hearing as described above. It is further recommended that the Board approve adoption of the attached Resolution No. 10-4 ordering a special election to be held on Tuesday, June 8, 2010 for the purpose of submitting to the qualified electors of the District the question of levying a special tax upon each parcel in the District for educational purposes and establishing the specifications of the election order.

**SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT**

**RESOLUTION NO. 10-4**

**A RESOLUTION ORDERING A SPECIAL ELECTION TO BE HELD ON TUESDAY, JUNE 8, 2010 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT THE QUESTION OF LEVYING A SPECIAL TAX UPON EACH PARCEL IN THE DISTRICT FOR EDUCATIONAL PURPOSES AND ESTABLISHING THE SPECIFICATIONS OF THE ELECTION ORDER**

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**RESOLVED**, by the Board of Trustees of the San Mateo County Community College District (the "District"):

**WHEREAS**, the Board of Trustees has determined that the present revenues of the District are inadequate to fund the cost of education within the District, and

**WHEREAS**, Section 4 of Article XIII A of the California Constitution and California Government Code Section 50075 et seq. (collectively, the "Law") authorize a community college district, upon approval by two-thirds of the votes cast by voters voting upon the proposition, to levy a special tax for specified purposes following notice and a public hearing; and

**WHEREAS**, the Board has on this date held a public hearing, which was duly noticed, where all interested persons have been heard on the matter of holding an election in the District on the matter of levying a special tax on parcels in the District; and

**WHEREAS**, the Board of Trustees desires at this time to order an election to be held in the District on June 8, 2010, for the purpose of submitting to the voters in the District the matter of levying a special tax on parcels in the District for educational purposes and to designate the specifications thereof, under California Education Code Section 5320 et seq.;

**NOW, THEREFORE**, it is hereby **ORDERED** and **DETERMINED** as follows:

**Section 1. Call for Election.** The Board of Trustees hereby orders an election and submits to the electors of the District the question of whether a special tax shall be levied and collected in the District for the purposes as set forth more fully in the ballot proposition approved below. This Resolution constitutes the order of the District to call such election pursuant to Education Code Section 5320 et seq. and shall constitute the "specifications of the election order" under Education Code Section 5322.

**Section 2. Election Date.** The date of the election shall be June 8, 2010, and the election shall be held solely within the boundaries of the District.

**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 as Appendix A, containing the question of whether the District shall levy a special tax in the District for the purpose stated therein, together with the accountability requirements of California Government Code Section 50075.1. As required by California Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto as Appendix B. The Chancellor-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 Mateo County Registrar of Voters.

**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 Section 50075 et seq. 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.** The annual special tax shall be \$34 per parcel for 4 years assessed against each parcel of taxable land in the District. A parcel shall be defined as any unit of land in the District that receives a separate tax bill from the San Mateo County Assessor's Office. All property that would otherwise be exempt from property taxes will also be exempt from the special tax. An exemption shall also be available to persons who are 65 years or older and own and occupy as a principal residence a parcel (as defined in this Section) and apply to the District for such exemption under procedures established by the District or otherwise as required by law or by the San Mateo County Tax Collector.

The special tax shall be collected in the same manner as ordinary ad valorem taxes are collected, i.e., on the secured property tax roll of San Mateo County.

**Section 6. Accountability Requirements.** The members of the Board, the Chancellor-Superintendent and officers of the District are hereby requested and directed, individually and collectively, to provide accountability measures for the special tax that meet the accountability requirements set forth in California Government Code Section 50075.1, including the following: (a) a statement indicating the specific purposes of the special tax, (b) a requirement that the proceeds be applied only to the specific purposes identified, (c) the creation of an account into which the proceeds shall be deposited, and (d) an annual report under California Government Code Section 50075.3 as provided in Section 7. Such accountability measures shall be set forth on the ballot in the form of Appendix A attached hereto and incorporated herein by reference.

In addition, the governing board of the District will appoint a Citizens' Oversight Committee with responsibility to review the expenditures of the District from the special tax to ensure the special tax is expended for authorized purposes, and to prepare an annual report to the District and the public concerning the expenditure of the special tax proceeds.

**Section 7. Annual Report.** Under California Government Code Section 50075.3, the Board directs the chief fiscal officer of the District to file a report with the Board no later than January 1 of each year containing (a) the amount of funds collected and expended during the preceding fiscal year and (b) the status of any project required or authorized to be funded as identified in Section 6(a) hereof.

**Section 8. Delivery of this Resolution.** The Vice President/Clerk of the Board is hereby directed to send a copy of this Resolution to the Registrar of Voters for the County of San Mateo (the "County Registrar") and the Clerk of the San Mateo County Board of Supervisors.

**Section 9. Consolidation of Election.** The County Registrar and the Clerk of the San Mateo County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 8, 2010, within the District.

**Section 10. Ballot Arguments.** 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 Chancellor-Superintendent, President of the Board, or their designees, are hereby authorized to execute any document and to perform all acts necessary to place the special tax measure on the ballot.

**Section 11. Notice of Election.** The San Mateo County Registrar of Voters is hereby requested to prepare a formal Notice of Special Tax Election in time, form and manner as required by law. The suggested form of notice of the election is as follows:

**SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT  
SPECIAL ELECTION NOTICE**

NOTICE IS HEREBY GIVEN to the qualified electors of the San Mateo County Community College District (the "District") of San Mateo County, that in accordance with law, an election will be held on Tuesday, June 8, 2010, in the District, at which election there will be submitted the question of levying \$34 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 12. Reimbursement for Services Performed.** The San Mateo County Community College District agrees and hereby directs appropriate District staff members to reimburse the County Registrar for services performed when work is completed on the election upon presentation of a bill.

**Section 13. Election Under Law.** In all particulars not recited in this Resolution, said election shall be held and conducted as provided by law for holding community college district elections in the District.

**Section 14. Certification by Clerk of the Board.** The Vice President/Clerk of the Board shall certify to the passage and adoption of this resolution and shall make minutes of the passage and adoption therefor in the records of the proceedings of the Board of Trustees of the District, in the minutes of the meeting at which the resolution is passed and adopted.

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PASSED AND ADOPTED this 10th day of March, 2010, by the following vote:

AYES:

NOES:

ABSENT:

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President of the Board of Trustees of  
San Mateo County Community College  
District  
San Mateo County, California

ATTEST:

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Vice President/Clerk of the Board of  
Trustees of San Mateo County Community  
College District, San Mateo County,  
California

**APPENDIX A**

**BALLOT MEASURE  
FULL TEXT OF MEASURE**

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To provide College of San Mateo, Skyline College and Cañada College local funds the State cannot take away and ensure affordable, quality education for students including: training for careers in nursing, healthcare, technology, engineering, sciences, police, firefighting; maintaining core academics in reading, writing, math; preparing students for universities; and keeping libraries open, shall San Mateo County Community College District levy \$34 per parcel annually for four years and establish Citizens' Oversight, exempt seniors and prohibit proceeds for administrator salaries?

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**SPECIAL TAX AUTHORIZATION**

By approval of this proposition by at least two-thirds of the registered voters voting on the proposition, the District will be authorized to levy a special tax of \$34 per parcel for four years for the purpose of financing programs identified below under the heading "STATEMENT OF PURPOSES", subject to all the accountability requirements specified below. A parcel is defined as any unit of land in the District that receives a separate tax bill from the San Mateo County Assessor's Office.

**ACCOUNTABILITY REQUIREMENTS**

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers in the District may be assured that their money will be spent wisely. As required by the laws of the State of California, the proceeds of the special tax will be deposited into a special account established by the District and will be applied only to the specific purposes identified below. The District has covenanted to have on file with its governing board no later than January 1 of each year a report stating the amount of the funds collected and expended and the status of any project authorized to be funded.

In addition, the governing board of the District will appoint a Citizens' Oversight Committee with responsibility to review the expenditures of the District from the special tax to ensure the special tax is expended for authorized purposes, and to prepare an annual report to the District and the public concerning the expenditure of the special tax proceeds.

## **STATEMENT OF PURPOSES**

The statement shown below is a part of the ballot proposition and must be reproduced in any official document required to contain the full statement of the proposition.

The proceeds of the special tax will be expended to finance the payment of costs and expenses of the District that are designed to achieve the following purposes. The specific purposes of the special tax are described as follows:

- Preserving job training programs in nursing, healthcare, computers, engineering, green technology (such as solar and wind energy), police and firefighting;
- Maintaining core academics, including Science, English, Mathematics;
- Keeping libraries open and maintaining library services;
- Preparing students to transfer to four-year colleges and universities;
- Maintaining academic counseling programs and other student services to promote student achievement, graduation and access to high-paying jobs;
- Attracting and retaining qualified instructors;
- Providing modern classroom technology and computer labs for students;
- Providing equipment and technology for science labs; and
- Restoring funding to offer an adequate numbers of classes and labs to meet growing student demand.

## **SENIOR EXEMPTION**

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 Mateo County Tax Collector.

**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.



**APPENDIX B**

**BALLOT MEASURE  
ABBREVIATED FORM**

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To provide College of San Mateo, Skyline College and Cañada College local funds the State cannot take away and ensure affordable, quality education for students including: training for careers in nursing, healthcare, technology, engineering, sciences, police, firefighting; maintaining core academics in reading, writing, math; preparing students for universities; and keeping libraries open, shall San Mateo County Community College District levy \$34 per parcel annually for four years and establish Citizens' Oversight, exempt seniors and prohibit proceeds for administrator salaries?

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