



CAMBRIAN SCHOOL DISTRICT

Board of Trustees

Resolution No. 23-24-11

CALLING AN ADVISORY VOTE ELECTION TO CONTINUE MEASURE H PARCEL TAX AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, to achieve its goals of improving academic performance and the quality of education for children in the Cambrian School District (the “District”), the Board of Trustees (the “Board”) called a parcel tax election that was held on June 5, 2018, pursuant to Resolution No. 17-18-07 (the “Election Resolution”), adopted on March 1, 2018;

WHEREAS, the parcel tax measure (“Measure H”), which was fully described in the Election Resolution, was submitted to voters at the election and abbreviated on the ballot as follows:

MEASURE H: “To provide Cambrian neighborhood elementary and middle school students with stable funding for instruction in math, science, reading, engineering, technology, and arts; retain highly qualified teachers; and maintain class sizes; shall Cambrian School District establish an annual parcel tax of \$84 for 8 years, its continuance subject to voter approval, raising approximately \$740,000 in the first year, subject to annual adjustment; with exemptions for senior citizens, no funds for administrator’s salaries and every dollar benefitting Cambrian children?”

WHEREAS, the full text of Measure H was included in the information provided to voters and is attached hereto as Exhibit D;

WHEREAS, Measure H was approved by more than 67% of voters of the District voting on the measure, more than the amount required for passage of a parcel tax, pursuant to the terms set forth in Measure H (the “Parcel Tax”);

WHEREAS, Measure H included a commitment by the Board to seek the opinion of voters on whether or not to continue the Measure H Parcel Tax after eight years (i.e., after fiscal year 2025-26);

WHEREAS, the Board further committed to continue the Measure H Parcel Tax after fiscal year 2025-26 only if voters approved such continuation by majority vote pursuant to California Elections Code (the “Elections Code”) section 9603;

WHEREAS, Measure H Parcel Tax revenue has been expended for the purposes set forth in Measure H (i.e., abbreviated ballot measure and the full text of the measure – see Exhibit D attached hereto) and approved by the voters, in order for the District to meet its goals as set forth above;

WHEREAS, Measure H Parcel Tax revenue has provided a stable source of funding to support and operate the programs and purposes identified in Measure H;

WHEREAS, Section 9603 of the Elections Code authorizes a school district to hold an advisory election for the purpose of allowing voters of the District to voice their opinions on substantive issues, or to indicate to the Board approval or disapproval of the ballot proposal, the results of which shall in no manner be controlling on the Board;

WHEREAS, notwithstanding Section 9603, by way of Measure H and the Election Resolution, the Board committed to abide by the opinion of the voters of the advisory election, to be held on November 5, 2024, on the matter of whether to continue the Measure H Parcel Tax after fiscal year 2025-26;

WHEREAS, pursuant to Sections 9603 and 10403 of the Elections Code, it is appropriate for the Board to request consolidation of the advisory election with any and all other elections to be held on Tuesday, November 5, 2024, and to request the Santa Clara County Registrar of Voters (the “County Registrar”) to perform certain election services for the District;

WHEREAS, the Board believes that continuing the Measure H Parcel Tax is necessary to provide educational opportunities for all students of the District.

THEREFORE, be it resolved that:

Section 1. Advisory Election. Pursuant to Elections Code section 9603, the Board hereby calls an advisory election to continue the Measure H Parcel Tax for the purpose of providing ongoing funding for educational programs and other resources and programs critical to the success of students in the District. If approved by the voters at the November 5, 2024 election, and consistent with Measure H, the Board may continue the Parcel Tax, adjusted for inflation.

Section 2. Exemptions to Measure H Parcel Tax. As set forth in the Election Resolution, the Measure H Parcel Tax will continue to allow for an exemption to be granted for any parcel owned by one or more persons 65 years of age or over who occupies said parcel as a principal residence, upon application for exemption. All property that would otherwise be exempt from property taxes shall be exempt from the Measure H Parcel Tax.

Section 3. Annual Adjustment. As set forth in the Election Resolution, the Measure H Parcel Tax shall continue to be adjusted annually by the change in the Consumer Price Index (all urban consumers) for the San Francisco-Oakland-San Jose Metropolitan Area, published by the United States Department of Labor, Bureau of Labor Statistics, or an equivalent index.

Section 4. Order of Election. This Resolution shall constitute an order of election pursuant to California Education Code (the “Education Code”) section 5320 *et seq.* The Board hereby requests the County Registrar to conduct the election on behalf of the District. The County Registrar is requested to present to the voters the Advisory Vote Measure (the “Measure”) in substantially the abbreviated form attached hereto as Exhibit A (the “Abbreviated Measure”). In addition, the Full Text of the Measure shall appear in the ballot pamphlet in substantially the form attached hereto as Exhibit B (the “Full Text of the Measure”), or in the alternative, the ballot

pamphlet shall contain information as to how voters may obtain a copy of the Full Text of the Measure, as provided for in Paragraph 9 of this Resolution.

Section 5. Measure H Parcel Tax Collection. As set forth in the Election Resolution, the Measure H Parcel Tax shall continue to 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 and *ad valorem* taxes collected by said tax collector. The tax and penalty shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid. Any tax levied shall become a lien upon the properties against which taxes are assessed and collectible.

Section 6. Delivery of This Resolution. The Clerk of the Board is hereby directed to send a copy of this Resolution to the County Registrar as the officer conducting the election, to the Santa Clara County Superintendent of Schools (the “Santa Clara County Superintendent”), and to the Santa Clara County Clerk of the Board of Supervisors (the “County Board”). The Board requests that the County Superintendent deliver a copy of all published notices to the Clerk of this Board.

Section 7. Notice of Advisory Election and Consolidation. The County Superintendent is hereby requested to prepare and execute a formal Notice of Advisory Election and Consolidation (the “Notice”) in the form attached hereto as Exhibit C and to call the election by causing the Notice to be posted in accordance with Sections 5362 and 5363 of the Education Code no later than August 7, 2024, or otherwise cause the Notice to be published as permitted by law.

Section 8. Additional Services of the County. The following additional matters shall apply to the advisory election.

a. Pursuant to Section 5303 of the Education Code, the County Registrar is requested to take all steps to hold the election in accordance with law and these specifications. The Board requests that the County Registrar deliver a copy of all published notices to the Clerk of this Board pursuant to Section 12113 of the Elections Code.

b. Pursuant to Education Code section 5342 and Elections Code section 10402.5, the County Board of Supervisors is requested to consolidate the election ordered hereby with any and all other elections to be held on November 5, 2024 within the District.

c. The District agrees to reimburse Santa Clara County for the cost of the election.

d. The County Board of Supervisors is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

e. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the County Board of Supervisors is requested to permit the County Registrar to render all services incident to the preparation for and holding of the advisory election for which services the District agrees to reimburse Santa Clara County. Such services may include the publication of a notice of advisory election, the mailing of the sample ballot, and such other steps

as are necessary for the election, consistent with provisions of the Education Code and the Elections Code.

Section 9. Voter Information Pamphlet. The County Registrar is requested to reprint the Full Text of the Measure in substantially the form attached hereto as Exhibit B, in the voter information pamphlet to be distributed to voters pursuant to Section 13300 *et seq.* of the Elections Code.

Section 10. Argument and Rebuttal; List of Supporters. The President of the Board and/or the President's designees are hereby authorized to prepare and file with the County Registrar any ballot argument prepared in connection with the election, including a rebuttal argument, each within the time established by the County Registrar, which shall be considered the official ballot arguments of the Board. The President of the Board and/or the President's designees are further hereby authorized to prepare and file with the Registrar a list of supporters of the measure within the time established by the County Registrar.

Section 11. General Authorization. The Superintendent and Chief Financial Officer of the District, the President of this Board, or their designees, are hereby authorized and directed to execute any other documents and to perform all acts necessary to place the Measure on the ballot, including making any changes to the Full Text of the Measure as set forth in this Resolution, or the Abbreviated Measure, or to the text of this Resolution, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of elections officials, and requirements of law. All actions heretofore, or hereafter taken by such authorized officers and agents of the District that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

[Signature Page Follows]

PASSED AND ADOPTED by the Board of Trustees of the Cambrian School District of Santa Clara County, State of California this ____ day of June 2024, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

CAMBRIAN SCHOOL DISTRICT

Jarod Middleton
President of the Board of Trustees

ATTEST:

Kristi Schwiebert
Secretary of the Board of Trustees

EXHIBIT A

ABBREVIATED MEASURE*

Advisory Vote Only. To continue to provide Cambrian neighborhood elementary and middle school students with stable funding for instruction in math, science, reading, engineering, technology, and arts, retaining highly qualified teachers, and maintaining manageable class sizes, should Cambrian School District continue the annual parcel tax that was approved by 67 percent of voters in 2018 (with no changes), with exemptions for seniors, no funds for administrators' salaries, and every dollar benefitting Cambrian children?

Yes _____

No _____

(75 words)

**As required pursuant to Education Code section 5322 and Elections Code section 13247.*

EXHIBIT B

FULL TEXT OF THE MEASURE

Abbreviated Ballot Measure

Advisory Vote Only. To continue to provide Cambrian neighborhood elementary and middle school students with stable funding for instruction in math, science, reading, engineering, technology, and arts, retaining highly qualified teachers, and maintaining manageable class sizes, should Cambrian School District continue the annual parcel tax that was approved by 67 percent of voters in 2018 (with no changes), with exemptions for seniors, no funds for administrators' salaries, and every dollar benefitting Cambrian children?

Levy of Special Tax

In June 2018, voters of the Cambrian School District (the "District") approved the Measure H Parcel Tax, including a commitment that the Board of Trustees (the "Board") continue the Measure H Parcel Tax following fiscal year 2025-26 if approved by a majority of voters voting in an election held consistent with the requirements of Elections Code section 9603. The Board is now asking voters whether to continue the Measure H Parcel Tax, consistent with the Abbreviated Ballot Measure stated above and this Full Text of Measure ___.

The Measure H Parcel Tax shall continue to be adjusted annually by the change in the Consumer Price Index (all urban consumers) for the San Francisco-Oakland-San Jose Metropolitan Area, published by the United States Department of Labor, Bureau of Labor Statistics, or an equivalent index.

Parcels to be taxed each year will be any unit of real property in the District that receives a separate tax bill for *ad valorem* property taxes from the Santa Clara County Tax Collector's Office unless an exemption applies. Exemptions include only 1) property that is otherwise exempt from or upon which no *ad valorem* property taxes are levied in any year and 2) property for which an exemption has been approved due to the parcel being owned by one or more persons 65 years of age or over who occupies said parcel as a principal residence.

Purpose of Measure H Parcel Tax

Revenue raised from the District's Measure H Parcel Tax will continue to be expended in order to maintain the high quality of education at all elementary, middle and transitional kindergarten (TK) through eighth grade schools. The District's goal is to continue providing high-quality education by retaining teachers, maintaining class sizes, instructing students in science, art and music, so that Cambrian students may find success in high school, college, and careers. However, due to reductions in State funding, the District is struggling to continue providing high-quality instruction and academic programs for Cambrian children in grades transitional kindergarten through eighth grade.

Reductions in State funding, the requirement to maintain District reserves, and the need to reduce deficit spending have impacted our schools. We can no longer rely on the State to fully fund the

instruction and academic programs our students need. The District has tightened its belt, improved efficiencies, and made cuts as far away from the classroom as possible. The District has conducted a full assessment of all of its local school instructional program needs—including the need to retain our best teachers and maintain core academics for children in grades TK-8. Additional local revenue is needed to fund these core priorities. Accordingly, the District is asking its community to continue the Measure H Parcel Tax and to protect the high quality of education at Cambrian schools.

Continuing the Measure H Parcel Tax will provide Cambrian schools with ongoing stable local funding for instruction in math, science, reading, engineering, technology, and arts; retain highly qualified teachers; and maintain class sizes and continue to provide physical education that promotes student health and fitness.

EXHIBIT C

FORMAL NOTICE OF ADVISORY ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Cambrian School District of Santa Clara County, California, that in accordance with the provisions of the Elections Code of the State of California, an election will be held on November 5, 2024 for the purpose of submitting to the qualified electors of the District the proposition summarized as follows:

Advisory Vote Only. To continue to provide Cambrian neighborhood elementary and middle school students with stable funding for instruction in math, science, reading, engineering, technology, and arts, retaining highly qualified teachers, and maintaining manageable class sizes, should Cambrian School District continue the annual parcel tax that was approved by 67 percent of voters in 2018 (with no changes), with exemptions for seniors, no funds for administrators' salaries, and every dollar benefitting Cambrian children?

By execution of this formal Notice of Election, the County Superintendent of Schools of Santa Clara County directs consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same.

The County Superintendent of Schools of Santa Clara County, by this Notice of Election, has called the election pursuant to a Resolution and Order of the Board of Trustees of the Cambrian School District, adopted June 20, 2024, in accordance with the provisions of Elections Code section 9603 and Education Code sections 5302, 5325 and 5361.

IN WITNESS WHEREOF, I have hereunto set my hand this day, _____, 2024.

BY _____
Mary Ann Dewan, Ph.D.
County Superintendent of Schools
Santa Clara County, California

EXHIBIT D

FULL TEXT OF MEASURE H Election Held on June 5, 2018

Abbreviated Ballot Measure

To provide Cambrian neighborhood elementary and middle school students with stable funding for instruction in math, science, reading, engineering, technology, and arts; retain highly qualified teachers; and maintain class sizes; shall Cambrian School District establish an annual parcel tax of \$84 for 8 years, its continuance subject to voter approval, raising approximately \$740,000 in the first year, subject to annual adjustment; with exemptions for senior citizens, no funds for administrator's salaries and every dollar benefitting Cambrian children?

Levy of Special Tax

The Board shall first levy the tax in fiscal year 2018-19, at \$84. Thereafter, the Parcel Tax shall be adjusted annually by the change in the Consumer Price Index (all urban consumers) for the San Francisco-Oakland-San Jose Metropolitan Area, published by the United States Department of Labor, Bureau of Labor Statistics, or an equivalent index.

The Board shall cease to levy the tax following fiscal year 2025-26, unless continuation of the tax has been approved by a majority of voters voting in an election held consistent with the requirements of Elections Code Section 9603.

Parcels to be taxed each year will be any unit of real property in the District that receives a separate tax bill for *ad valorem* property taxes from the Santa Clara County Tax Collector's Office unless an exemption applies. Exemptions include only 1) property that is otherwise exempt from or upon which no *ad valorem* property taxes are levied in any year and 2) property for which an exemption has been approved due to the parcel being owned by one or more persons 65 years of age or over who occupies said parcel as a principal residence.

Purpose of Tax

Revenue raised from Cambrian School District's parcel tax will be expended in order to maintain the high quality of education at all elementary, middle and transitional kindergarten (TK) through eighth grade schools. Cambrian School District's goal is to continue providing such high quality education by retaining teachers, maintaining class sizes, instructing students in science, art and music, so that our students may find success in high school, college, and careers. However, due to reductions in State funding (cut back to 2008 funding levels), the District is struggling to continue providing high quality instruction and academic programs for Cambrian children in grades transitional kindergarten through eighth grade.

These reductions in State funding, the requirement to maintain District reserves, and the need to reduce deficit spending have impacted our schools. We can no longer rely on the State to fully fund the instruction and academic programs our students need. Cambrian School District has

tightened its belt, improved efficiencies, and made cuts as far away from the classroom as possible. Cambrian School District has conducted a full assessment of all of their local school instructional program needs—including the need to retain our best teachers and maintain core academics for children in grades TK-8. Additional local revenue is needed to fund these core priorities. Accordingly, Cambrian School District is asking its community to vote on a local parcel tax to continue to protect the high quality of education at Cambrian schools.

The tax shall be levied for providing Cambrian schools with stable local funding for instruction in math, science, reading, engineering, technology, and arts; retain highly qualified teachers; and maintain class sizes and continue to provide physical education that promotes student health and fitness.

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.

CERTIFICATION

I, Kristi Schwiebert, Secretary of the Board of Trustees of the Cambrian School District, Santa Clara County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly approved and adopted by the Board of Trustees of the District at a meeting held on June 20, 2024, of which meeting all the members of the Board of Trustees had due notice and at which a majority thereof were present, and that at the meeting the resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

An agenda for the meeting was provided in advance of the meeting, as required by law, to all members of the Board of Trustees and to all media outlets that have requested notification. Further the agenda was posted in advance of the meeting, as required by law, at the District, at 4115 Jacksol Drive, San Jose, California 95124, a location freely accessible to members of the public, and a brief description of the resolution appeared on the agenda.

I have carefully compared the foregoing resolution with the original minutes of the meeting on file and of record in my office, and the foregoing is a full, true, and correct copy of the original resolution adopted at the meeting and entered in the minutes.

Dated: _____, 2024

Kristi Schwiebert
Secretary of the Board of Trustees
Cambrian School District