

2008 OCT -9 PM 5: 24

08 OCT -9 PM 3: 07

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

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### **RESOLUTION IN OPPOSITION TO LOCAL BALLOT MEASURE N ON THE NOVEMBER 4, 2008 BALLOT, WHICH WOULD IMPOSE AN ANNUAL ONE HUNDRED AND TWENTY DOLLAR (\$120.00) PARCEL TAX ON OAKLAND PROPERTY OWNERS TO PAY FOR SALARY INCREASES FOR OAKLAND PUBLIC SCHOOL TEACHERS**

**Whereas**, there is widespread opposition to Measure N in the education community;  
and

**Whereas**, this Measure was put on the ballot despite the Oakland Unified School Board's 6-1 vote against the measure; and

**Whereas**, the Oakland Education Association and Principals Association oppose Measure N because they believe that it does not provide funds for teacher and school support;  
and

**Whereas**, the County Superintendent and Auditors oppose Measure N because it is not sustainable and does nothing to pay down the Oakland Unified School District's debt; and

**Whereas**, it is also opposed by Assembly member Sandre Swanson, the Central Labor Council, and other school employees; and

**Whereas**, the County Superintendent and auditors oppose this measure because of its lack of sustainability and its inability to pay down OUSD's debt; and

**Whereas**, on September 8<sup>th</sup>, 2008 the Oakland Education Association Rep Council voted unanimously against this measure (with one abstention); and

**Whereas**, this Measure comes only 6 months after Oakland voters approved a \$195 per year parcel tax increase to support the schools; therefore, be it

**Resolved:** that the Oakland City Council registers its strong opposition to Measure N and urges voters to reject it on the November 4<sup>th</sup>, 2008 ballot.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID,  
CHANG, AND PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California

- FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

08 OCT -9 PM 3:18

RESOLUTION  
OF THE  
STATE ADMINISTRATOR  
OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

RESOLUTION NO. 0809-0021

RESOLUTION CALLING PARCEL TAX ELECTION

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WHEREAS, I, Vincent C. Matthews, the administrator of the Oakland Unified School District (the "District"), County of Alameda, California (the "County") duly appointed by the State Superintendent of Public Instruction pursuant to Article 2.5 (commencing with Section 41325) of Chapter 3 of Part 24 of Division 3 of the Education Code of the State of California (the "State Administrator"), exercising the legal rights, duties, and powers of the Board of Education of the District (the "Board") on behalf of the State Superintendent of Public Instruction, am generally authorized to order elections within the District and to designate the specifications thereof, pursuant to Education Code Sections 5304 and 5322; and

WHEREAS, the District is committed to attracting and retaining the very best teachers by offering compensation that is competitive with other Bay Area school districts;

WHEREAS, the District is determined to improve the quality and excellence provided to all students in all public schools and public educational programs throughout the District, including students who attend public charter schools in the District;

WHEREAS, additional sources of funding are needed to continue meeting the educational needs of all of the students in all public schools and public educational programs throughout the District;

WHEREAS, Section 2(d) of Article XIII B of the California Constitution requires an election to be conducted before any special tax may be imposed; and Section 4 of Article XIII A of the California Constitution and Government Code Section 50079 authorize a school district, upon approval of two thirds of the electorate voting on the proposition, to levy a qualified special tax for specified purposes;

WHEREAS, Section 1000 of the California Elections Code authorizes the District to conduct such an election only on an established election date;

WHEREAS, November 4, 2008, is an established election date; and

WHEREAS, the State Administrator has held a public hearing after due notice regarding the proposed authorization of the parcel tax;

NOW, THEREFORE, THE STATE ADMINISTRATOR OF OAKLAND UNIFIED SCHOOL DISTRICT DOES HEREBY FIND, RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. Recitals. All of the above recitals are true and correct.

Section 2. Order of Election; Specifications of Ballot Measure. This resolution shall stand as the order to the Alameda County Superintendent of Schools to call an election within the boundaries of the District on November 4, 2008, for the purpose of proposing to the electors of the District the proposition contained in Exhibit A hereto. The authority for the specifications of this election order is contained in Sections 5304 and 5322 of the California Education Code and Sections 50075-77 and 50079 of the California Government Code.

The Alameda County Registrar of Voters (the "Registrar of Voters") is hereby requested to cause this summary of the measure to appear on the ballot.

Section 3. Filing of Order of Election. The Secretary of the Board of Education and State Administrator is ordered to cause certified copies of this resolution and order to be delivered not later than Tuesday, August 5, 2008, to the Alameda County Superintendent of Schools, and not later than Friday, August 8, 2008, to the Registrar of Voters and the Clerk of the Board of Supervisors of the County.

Section 4. Formal Notice. The Alameda County Superintendent of Schools is hereby requested to prepare and execute a Formal Notice of Parcel Tax Election and consolidation order in substantially the form attached hereto as Exhibit B (the "Formal Notice"), and to call the election by causing the Formal Notice to be posted in every schoolhouse in the District and at three public places in the District, in accordance with Section 5362 of the Education Code, no later than Wednesday, August 6, 2008, or to otherwise cause the notice to be published as permitted by law. The Secretary of the Board of Education and State Administrator, on behalf of and as may be requested by the County Superintendent of Schools, is authorized to cause all notices required by law in connection herewith to be published and posted, as the case may be.

Section 5. Conduct of Election. (a) *Request to Registrar of Voters.* Pursuant to Section 5303 of the Education Code, the Registrar of Voters is requested to take all steps to hold the election in accordance with law and these specifications.

(b) *Voter Pamphlet.* The Registrar of Voters is requested to cause the exact wording of the Abbreviation of the Measure contained in Exhibit A to appear on the ballot, and to print the Full Text of the Measure contained in Exhibit A in the voter information pamphlet to be distributed to voters pursuant to the Elections Code. In the event the Registrar of Voters determines not to reprint the full text of the measure in the voter information pamphlet, the Registrar of Voters is requested to print, immediately below the impartial analysis of the measure, in no less than 10-point boldface type, a legend substantially as follows:

"The above statement is an impartial analysis of Measure \_\_\_\_\_. If you desire a copy of the measure, please call the Alameda County Registrar of Voters at {phone number} and a copy will be mailed at no cost to you."

together with the following statement, if applicable:

“You may also access the full text of the Measure on the Alameda County Web site at the following Web site address {insert Web site address}.”

(c) *Consolidation.* The Alameda County Superintendent of Schools and the Board of Supervisors of the County are requested to order 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, pursuant to Education Code Section 5342 and Section 10400 and following of the Elections Code.

(d) *Canvass of Results.* The Board of Supervisors of the County is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

(e) *Required Vote.* The measure shall become effective upon approval of two-thirds of those voting thereon.

Section 6. Appropriations Limit. The State Administrator or Board of Education shall provide in each year (pursuant to Section 7902.1 of the Government Code or any successor provision of law) for any increase in the District’s appropriations limit as shall be necessary to ensure that proceeds of the proposed tax may be spent for the authorized purposes.

Section 7. Ballot Argument. The State Administrator, or any member or members of the Board of Education as the State Administrator shall designate, are hereby authorized, but not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the proposition contained in Exhibit A, within the time established by the Registrar of Voters, which shall be considered the official ballot argument of this District as sponsor of the proposition.

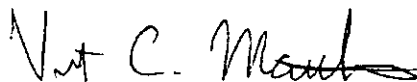
Section 8. Further Authorization: The State Administrator or the Board of Education and the other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this Resolution.

Section 9. Effective Date: This Resolution shall take effect upon its adoption.

\* \* \*

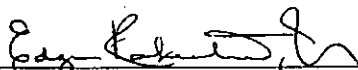
I hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted at a special meeting of the State Administrator and/or the Board of Education of the Oakland Unified School District held August 4, 2008.

APPROVED:



Vincent C. Matthews  
State Administrator  
Oakland Unified School District

Attest:



Edgar Rakestraw, Jr.  
Secretary, Board of Education and  
State Administrator of the  
Oakland Unified School District

**Legislative File**

File ID No. 08-1625  
Introduction Date 8/4/08  
Enactment No. 08-1148  
Enactment Date 8/4/08  
By B

## EXHIBIT A

### PARCEL TAX MEASURE TEXT

#### I. ABBREVIATION OF THE MEASURE

“To attract and retain highly qualified and credentialed teachers for Oakland’s District-run public schools, and to support successful educational programs at Oakland’s public charter schools, shall Oakland Unified School District levy \$10 per parcel per month (\$120 per year) for 10 years with an exemption for low-income residents, mandatory annual audits, an independent citizens’ oversight committee, and all money spent to benefit Oakland schools and all Oakland students?”

[66 words]

## II. FULL TEXT OF THE MEASURE

### “OUTSTANDING TEACHERS FOR ALL OAKLAND STUDENTS ACT”

This Proposition may be known and referred to as the “Outstanding Teachers For All Oakland Students Act” or as “Measure \_\_\_\_”. *[designation to be assigned by County Registrar of Voters]*

#### FINDINGS

The Oakland Unified School District (the “District”) is committed to attracting and retaining the very best teachers by offering compensation that is competitive with other Bay Area school districts.

The District is determined to improve the quality and excellence provided to all students in all public schools and public educational programs throughout the District, including students who attend public charter schools in the District.

Additional sources of funding are needed to continue meeting the educational needs of all of the students in all public schools and public educational programs throughout the District.

#### TERMS OF THE OUTSTANDING TEACHERS FOR ALL OAKLAND STUDENTS TAX

Terms and Purposes. Upon approval of two-thirds of those voting on this measure, the District shall be authorized to and shall levy a qualified special tax of \$120 per year on each parcel of taxable real property in the District, for a term of ten years, commencing July 1, 2009.

The qualified special tax shall be known and referred to as the “Outstanding Teachers for all Oakland Students Tax”. Proceeds of the Outstanding Teachers for all Oakland Students Tax shall be authorized to be used (i) to attract and retain highly qualified and credentialed teachers in District-run schools by offering compensation that is competitive with other Bay Area school districts, and (ii) to support successful educational programs at Oakland’s public charter schools. Tax proceeds shall be allocated in each year collected to the authorized purposes in the following proportion: teacher compensation at District-run schools: 85%; charter school programs: 15%.

Low-Income Exemption. An exemption from this tax shall be made for owners of single family residential units in which they reside whose combined family income from all sources for the previous calendar year is at or below the income level qualifying as “very low income” for a family of such size under Section 8 of the United States Housing Act of 1937, 42 U.S.C.A. Sections 1437 and following for each year. Owners must apply for this exemption annually by petition to the Office of the Chief Financial Officer of the District in the manner and at the time set forth in procedures established by the District. Such petitions shall be on forms available from the Chief Financial Officer’s office and must provide information sufficient to verify income including, but not limited to, federal income tax returns and W-2 forms of owner-occupants.



## ACCOUNTABILITY PROVISIONS

Independent Citizens' Oversight Committee. The State Administrator or Board of Education shall establish an independent Citizens' Oversight Committee to ensure that proceeds of the Outstanding Teachers for all Oakland Students Tax are spent only for the purposes named in this measure.

Annual Audit. Upon the levy and collection of the Outstanding Teachers for all Oakland Students Tax, the State Administrator shall cause an account to be established for deposit of the proceeds. For so long as any proceeds of the Outstanding Teachers for all Oakland Students Tax remain unexpended, the State Administrator or the Superintendent of the District shall cause a report to be prepared no later than December 31 of each year, commencing December 31, 2009, stating (1) the amount of Outstanding Teachers for all Oakland Students Tax revenues received and expended in such year, and (2) the status of any projects or description of any programs funded from proceeds of the tax. The report may relate to the calendar year, fiscal year, or other appropriate annual period, as the State Administrator or the Superintendent shall determine, and may be incorporated into or filed with the annual budget, audit, or other appropriate routine report.

Specific Purposes. All of the purposes named in the measure shall constitute the specific purposes of the Outstanding Teachers for all Oakland Students Tax, and proceeds of the tax shall be applied only for such purposes.

## LEVY AND COLLECTION

The Outstanding Teachers for all Oakland Students Tax shall be collected by the Alameda County Treasurer-Tax Collector at the same time and in the same manner and shall be subject to the same penalties as *ad valorem* property taxes collected by the Treasurer-Tax Collector. Unpaid taxes shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid.

"Parcel of taxable real property" shall be defined as any unit of real property in the District which receives a separate tax bill for *ad valorem* property taxes from the Alameda County Treasurer-Tax Collector's Office. All property which is otherwise exempt from or on which are levied no *ad valorem* property taxes in any year shall also be exempt from the Outstanding Teachers for all Oakland Students Tax in such year. In addition, parcels owned and occupied by individuals or families with very low income may be exempt from the 2008 Education Parcel Tax as described above.

The District shall annually provide a list of parcels which the District has approved for a Low-Income Exemption from the Outstanding Teachers for all Oakland Students Tax as described above to the Alameda County tax collection officials. The Alameda County Assessor's determination of exemption or relief for any reason of any parcel from taxation, other than through the Low-Income Exemption, shall be final and binding for the purposes of the Outstanding Teachers for all Oakland Students Tax. Taxpayers wishing to challenge the County Assessor's determination must do so under the procedures for correcting a misclassification of property pursuant to Section 4876.5 of the California Revenue and Taxation Code or other applicable procedures. Taxpayers seeking a refund of Outstanding Teachers for all Oakland Students Taxes

paid shall follow the procedures applicable to property tax refunds pursuant to the California Revenue and Taxation Code.

SEVERABILITY

The State Administrator 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 State Administrator 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 any authorized purpose of the tax 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, and all tax proceeds shall be collected and expended for the remaining purposes.

**EXHIBIT B**

**FORM OF**

**FORMAL NOTICE OF PARCEL TAX ELECTION**

NOTICE IS HEREBY GIVEN to the qualified electors of the Oakland Unified School District of Alameda County, California, that in accordance with the provisions of the Education Code, the Elections Code, and the Government Code of the State of California, an election will be held on November 4, 2008, for the purpose of submitting to the qualified electors of the District the proposition summarized as follows:

“To attract and retain highly qualified and credentialed teachers for Oakland’s District-run public schools, and to support successful educational programs at Oakland’s public charter schools, shall Oakland Unified School District levy \$10 per parcel per month (\$120 per year) for 10 years with an exemption for low-income residents, mandatory annual audits, an independent citizens’ oversight committee, and all money spent to benefit Oakland schools and all Oakland students?”

By execution of this formal Notice of Election the County Superintendent of Schools of Alameda County orders 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 Alameda County, by this Notice of Election, has called the election pursuant to a Resolution and Order of the State Administrator of the Oakland Unified School District adopted August 4, 2008, in accordance with the provisions of Education Code Sections 5302, 5325 and 5361.

IN WITNESS WHEREOF, I have hereunto set my hand this day,  
\_\_\_\_\_, 2008.

\_\_\_\_\_  
County Superintendent of Schools  
Alameda County, California

SECRETARY'S CERTIFICATE

I, Edgar Rakestraw, Jr., Secretary, Board of Education and State Administrator of the Oakland Unified School District, County of Alameda, California, do hereby certify as follows:

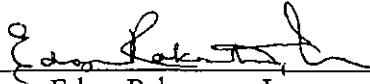
The attached is a full, true and correct copy of a resolution duly adopted at a special meeting of the State Administrator and/or the Board of Education of said District duly and regularly held at the regular meeting place thereof on August 4, 2008, and entered in the minutes thereof, at which meeting the State Administrator was present; and at said meeting said resolution was adopted by the State Administrator.

At least 24 hours before the time of the meeting, a written notice and agenda of the meeting was mailed and received by or personally delivered to each member of the Board of Trustees not having waived notice thereof, and to each local newspaper of general circulation, radio, and television station requesting such notice in writing, and was posted at 1025 Second Avenue, Oakland, California, 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 same with the original minutes of said meeting on file and of record in my office. Said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Pursuant to Section 4 of said resolution, I have caused a certified copy thereof to be filed with the Clerk of the Board of Supervisors of the County.

WITNESS my hand this day, August 4, 2008.



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Edgar Rakestraw, Jr.  
Secretary, Board of Education and State Administrator  
of the Oakland Unified School District