

Minutes of June 27, 2012

DVC Classified Senate President Ann Patton stated classified staff plays a vital role for students. She noted that eight classified employees completed the 4CD Leadership Institute (4CDLI). She also recognized Kim Christiana on being selected as Classified Employee of the Year. Ms. Patton further acknowledged the classified staff that coordinated JobLinks and presented workshops at that event. Ms. Patton said several classified staff attended the Classified Leadership Institute (CLI) and shared their experiences with college staff upon their return.

Local 1 President Mike West thanked Districtwide classified staff for attending the Board meeting. He called on those staff in the audience to stand and be recognized. Local 1 Business Agent Kasmir Karatziewickz said classified staff members have great concern regarding communications and transparency. He said the pain should be shared equally and not "laid on the backs of the classified." He further said faculty members need to share in this pain.

PARCEL TAX UPDATE: RECOMMENDATIONS AND DRAFT RESOLUTION CALLING PARCEL TAX ELECTION

Ms. Van de Brooke asked that the Board move Agenda Item C, Parcel Tax Update: Recommendations and Draft Resolution Calling Parcel Tax Election to this portion of the meeting. The Board agreed with that change.

The attached parcel tax update, recommendations, and draft Resolution Calling Parcel Tax Election, were presented to the Board for review and direction. The update and recommendations were first presented at the May 23, 2012, Board meeting, with a request to bring the item back to the June meeting. The ballot language included in the attached parcel tax update has been revised since the May Board meeting.

Vice Chancellor, Administrative Services John al-Amin introduced John Palmer, associate, Orrick, Herrington & Sutcliffe LLP, who said the proposed resolution could be brought forward for action at the July Board meeting.

Ms. Van de Brooke questioned the word "permanent" versus "administrative" in the draft resolution. Dr. al-Amin said "administrative" is used so that dollars could not be spent on management salaries. He further stated that the use of "administrative" would be consistent with the bond language used in the District's other two bond measures. He also said the word used is purely technical, and that all funds from the measure would only address college programs and services. Ms. Van de Brooke questioned whether funds could be spent on faculty salaries, and Dr. al-Amin said the original intent was for funds to be used for faculty and classified salaries. Dr. al-Amin further stated the word "permanent" would be changed to "administrative" on page A-1 of the resolution. Ms. Grilli asked how that change would impact the resolution. Mr. Palmer said that from a legal standpoint, it would not change anything. Dr. al-Amin again noted that none of the funds were intended to be spent, or would be spent, on administrative salaries.

Mr. Calone questioned whether permanent salaries would be administrative, and Ms. Van de Brooke answered in the affirmative. She said this would not allow the District to use funds on administrative salaries. Dr. al-Amin said the San Mateo Community College District (SMCCD) used similar language in its parcel tax measure. He said SMCCD's funds were primarily used for adjunct faculty, hourly classified, supplies and equipment. Dr. al-Amin noted, however, that small amounts were used for full-time faculty and full-time classified staff. In this way San Mateo created additional adjunct courses and hired hourly personnel.

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Dr. al-Amin emphasized that funds associated with the parcel tax could not be used for management salaries. He said the intent of the measure is to provide additional programs and activities for the colleges. Ms. Grilli questioned how much wording would be revealed in the ballot measure, and Dr. al-Amin said the specific language was included in this item.

Mr. Calone and Mr. Márquez requested that this item be brought back for action in July. Ms. Grilli questioned how soon fundraising for the parcel tax could begin, and Mr. Palmer said it could start immediately as long as no District funds are used for same. Local 1 President Mike West said he appreciated the work that went into this process, but added that he needed clarification on the resolution. He asked whether the fourth bullet on page A-3 would be corrected to read "administrative" instead of "permanent." Dr. al-Amin said the change would be made.

PARCEL TAX UPDATE AND RECOMMENDATIONS

SUMMARY

At the April 25, 2012, meeting of the Governing Board, staff was directed to begin research on the feasibility of a parcel tax, with a request to provide an outline of project deadlines and costs that would be associated with having the proposed tax measure on the November 6th ballot. This direction was given as the result of survey data obtained by EMC Research indicating 74% of those polled in the Contra Costa County service area would support a parcel tax of \$11 per parcel. The proposed parcel tax could potentially provide the District with approximately \$3.9 million in General Fund operating revenue for a period of six years beginning in the 2013-14 fiscal year and ending in 2018-19. This estimate is based on the number of taxable parcels in the county, currently 356,634, for the 2011-12 tax year.

Additionally, during the April 25th meeting, concerns were voiced regarding how much taxpayers currently pay for the District's two general obligation bond measures and what impact this measure would have on taxpayer liability. Currently, taxpayers pay \$4.50 per \$100,000 assessed value for the 2002 Measure A bond and \$9 per \$100,000 for the 2006 Measure A bond. Therefore, given the current maximum of \$13.50 per \$100,000 assessed value plus the proposed parcel tax of \$11.00 per \$100,000 assessed value, and, at the mean residential assessed value of \$167,664, as provided from the County Assessor's Office, the total cost to the taxpayer on average would be approximately \$33.54 per year should the parcel tax be approved. This figure, however, is subject to the time frame of when the remaining 2006 bonds are issued, resulting in the full assessment, as well as any change in assessed home values.

Subsequent to the Governing Board meeting, staff met with John Palmer of Orrick, Herrington and Sutcliff on May 2, 2012, to discuss legal requirements, expected costs, and next steps for this process. The following narrative details the requirements for the parcel tax, the ballot language required, recommended distribution of the funding, the proposed costs of the campaign, and the next steps required in the process in order for the District to proceed with calling for the election on November 6, 2012.

LEGAL REQUIREMENTS

The funds from this parcel tax can be spent on whatever purposes are listed in the parcel tax measure, but the District will be limited to those specific uses. Additionally, the proposed uses must be sufficiently defined in the measure in order for the parcel tax to qualify as a "special tax" (which the District has the authority to put to the voters) and not as a "general tax" (which the District does not have the authority to put to the voters). As defined in the California Constitution, a "special tax" means any tax imposed for specific purposes, including a tax imposed for special purposes, which is placed into a general fund.¹ A "general tax" is defined as "any tax imposed for general governmental purposes."² Consequently, if these funds were to be used for any District expense, and not limited, it would constitute a "general tax" which the District does not have the authority to levy.

The rules governing the parcel tax campaign are exactly the same as those which govern a bond election. An excerpt of those rules, as provided by Orrick, Herrington and Sutcliffe, are outlined in Attachment A.

Recommendation: Hold a basic training session at each college and the District Office to discuss these rules and regulations with volunteers who will help promote this measure to the public.

¹ Subdivision (d), Section 1, Article XIII C of the California Constitution

² Section 1, Article XIII C, California Constitution

BALLOT LANGUAGE

The language used for the measure should be specific, but general enough to leave some flexibility on the use of those funds. The language must, however, be sufficiently specific to the voters to indicate those types of expenditures for which funds will not be spent. The following language was used to poll voter opinion in the survey:

"To provide Diablo Valley College, Contra Costa College, Los Medanos College, and the Brentwood and San Ramon Centers with funds that cannot be taken by the state; maintain high quality education; support course offerings and instructional programs, including healthcare, technology, and public safety; increase access to support services, and prepare students for university transfer; shall Contra Costa Community College District levy \$11 per parcel for six years with Citizens' Oversight, no funds for permanent salaries, and all funds spent locally?"

This language was viewed favorably as it identified each of the local colleges in order to directly appeal to their respective bases of operation; defined specific areas for which the funds would be used; provided that funds would not be used to increase permanent salaries; and indicated that all funds would be spent locally. The language was not so constricting as to hamper the use of funds, but was also not overly permissive so that the funds could be used for everything.

The language for the ballot pamphlet needs, however, to highlight specific programs that the new funding would support. Some examples could be the highlighting of a vocational training program that would otherwise be eliminated due to the high cost of funding the program, or, highlighting how a college would provide additional support services in counseling or tutoring to assist students with transfer or basic skills development. The choice of programs should be made based on Governing Board goals, community need, and campus priorities.

Each college will identify how it would use the proposed parcel tax funds in no more than a two-page narrative. This limitation is required in order for legal counsel to draft a concise document for insertion in the voter pamphlets.

Additionally, per legal counsel, an exemption for senior citizens, which was implemented in the San Mateo Community College District parcel tax measure, is not legally permissible. However, if this were considered, it would be subject to legal challenge, and if this occurs, the District would need to incur the costs of litigating the taxpayer suit. Additionally, the District would need to serve as the arbiter of the senior exemption. What this essentially means is that the District would provide a period of time for senior citizens to petition for exemption of the parcel tax, and staff would then need to review and approve the individual requests for exemption. The District would then submit a list to the County Tax Assessor indicating which property owners would not be subject to the parcel tax. This process is potentially staff intensive given the District's current challenges. In light of the potential legal issues, it would be best to not consider or suggest that the District provide any exemptions to the proposed parcel tax.

FUNDING ALLOCATION

Staff recommends that the proposed allocation of the funds be based upon the percentage of state-funded, full-time equivalent students as reflected for the 2011-12 fiscal year. With the current projected revenue target of \$3,900,000, this recommendation would result in a percentage distribution of 20.12% (\$784,680) to Contra Costa College, 27.14% (\$1,058,460) to Los Medanos College, and 52.73% (\$2,056,470) to Diablo Valley College. However, any distribution would be subject to the amount of taxable parcels as reflected by the County Assessor in any given year.

Recommendation: Distribute funds to each college based upon its percentage of state-funded, full-time equivalent, resident students.

PROPOSED/ESTIMATED COSTS

The legal costs for Orrick, Herrington, and Sutcliffe would cost approximately \$15,000. That would cover preparing the hearing notice, drafting the resolution, submitting the resolution to the County elections official, answering any questions the District may have, attending Governing Board meetings, and performing any other duties as may be required after the measure passes.

County election costs are estimated to total approximately \$300,000-400,000. Per counsel, this cost is permissible through the General Fund as it is related to the submission of the ballot proposal. As there are two Governing Board seats that will be open during the next election, this is an additional cost to be borne by the District.

Campaign and election consultant costs are estimated to be approximately \$200,000. The District is awaiting information from elections consultants in order to determine this cost. The District was able to raise and expend approximately \$191,000 on the 2006 Measure A campaign. Per counsel, these costs **are not** permissible to be used by the General Fund as this is a partisan ballot measure. The District will need to solicit donations from the community and other sponsors to cover these costs.

Additionally, there could be future costs incurred from the county for the collection of the parcel tax. Other entities have been assessed anywhere from \$1.00-\$3.00+ per parcel for tax collection. This fee would need to be negotiated and paid from the parcel tax receipts.

NEXT STEPS/TIMELINES

<u>Date</u>	<u>Activity</u>
May 11	Solicit cost estimates from the election consultants
May 14	Need summary sheets on what funds would be spent on at the colleges
May 16	Submit ballot and expenditure language information to Orrick
May 25	Provide progress report at Governing Board meeting
June 27	Prepare resolution calling for election
July 25	Governing Board calls for election by adopting resolution
August 1	Begin campaign for funds to support ballot measure Examination period begins in August
August 10	File resolution with the county
August 15	Last day to amend or withdraw resolution
September 1	Progress report provided on campaign funds received/spent Examination period ends in September
October 1	Progress report provided on campaign funds received/spent
October 31	Sample ballot mailing ends

Staff will continue to work to make sure these reporting and progress deadlines are met and that work on this campaign is consistent with the guidelines specified. At this point, it is not known how many other campaigns similar to this one will be listed on either the June or November ballot, and the District has not yet determined who the election consultant will be. However, to help ensure the success of this measure, it is imperative that persons from each service area to help promote this measure are immediately identified and designated, potential donors are identified and contacted by no later than June 1, 2012, and lastly, the official marketing campaign should commence no later than August 1, 2012.

Additional follow-up and/or reports will be provided to the Governing Board as more information is made available.

ATTACHMENT A

Use of Public Funds and Resources

A public agency may not spend public funds to promote a partisan position in an election campaign without clear and explicit statutory authority to do so. The governing board of a community college district does however have the implicit power to make reasonable expenditures for the purpose of giving voters relevant facts to aid them in reaching an informed judgment when voting upon a proposal.

Additionally, public officials who violate the following rules may be subject to civil fines or criminal penalties, and violation of these rules could cause the election to be invalidated. Public funds, services, supplies or equipment may not be used for the following:

- to recruit or organize supporters or raise funds for a future campaign, hire a consultant to develop a public relations and fund-raising strategy, or any other activities that form the basis for an eventual bond measure campaign. This is not to occur even before an election is called by the Governing Board;
- to urge voters to favor or oppose a bond measure that is before the voters;
- to purchase such campaign items as bumper stickers, posters, advertising, parade floats, or television and radio advertisements;
- to release public employees from ordinary duties during the paid working day in order to allow them to campaign on behalf of a bond measure; or
- to disseminate partisan campaign literature prepared by private partisan groups; this includes the use of a college district's personnel, internal mail system or other facilities to circulate partisan materials to employees or the public at large.

A community college district, its officers or employees may:

- undertake studies (including voter surveys) and gather data in connection with the condition and needs of the campus buildings, as well as financial support and general management, including hiring consultants for the purpose;
- inform the citizens of the district's educational programs and activities;
- submit a partisan ballot argument for a bond measure;
- distribute information to the public that constitutes a fair and impartial presentation of relevant facts to aid the voters in reaching an informed judgment regarding a bond issue;
- give a fair presentation of the facts in response to a citizen's request for information;
- make a public forum available on equal terms to all sides in a campaign. or
- appear at any time before a public or private organization, when requested to do so by the organization, to present the District's view of a bond measure, to discuss the reasons why the Governing Board has called a bond election, and to answer taxpayer questions.

District staff and Board members should always bear in mind the potentially serious civil and criminal liability that may result from seemingly harmless actions. There is no "*de minimis*" level of public spending on a partisan campaign that would be acceptable under the applicable laws and rules. Community college districts should take steps to make clear to employees that they are not permitted to use any publicly funded, District-owned equipment for any political purposes in connection with the election, including District-issued cell phones, the District e-mail system, District-owned computers (including laptops issued to staff and used outside the office), phones, or fax machines. A good guide may be that if the District prohibits or even discourages use of such resources for private purposes or conversations, it should definitely forbid any use for partisan campaigning.

ATTACHMENT A**-2-**

In general, while personal appearances are not expressly prohibited by law, a community college district must view with circumspection any out-of-pocket expenditures in connection with a board member's or official's public appearance to promote a bond measure. The line between a neutral presentation of facts and promotion of a partisan position on a ballot measure is not always clear. Whether or not a given publication or presentation is appropriate depends on the style, tenor and timing in each case.

Freedom of Speech and Association

Community college district employees do not lose their individual rights of political expression because they work for a public agency.

In its efforts to avoid violating campaign laws, a public agency must not improperly restrict the political expression of its officers and employees. The governing board may however, establish rules governing the political activities of their officers and employees during working hours and on district premises.

Where young minds may be unduly impressed by a teacher's influence, such as in the elementary school and possibly high school context, teachers may be prohibited from wearing campaign buttons in classrooms. However, in the college context, where the maturity of the students suggests that they will not be unduly influenced by a teacher's political statements, or mistake those statements for official District policy, the validity of any official restrictions is not clear.

Additionally, district employees may not be prohibited from expressing political views on district property in non-instructional settings and district officers and employees are not prohibited from soliciting or receiving political contributions to promote passage of a ballot measure that would affect their pay, hours, benefits or other working conditions. This might be taken to include construction projects that may be financed with bonds.

No political contributions, however, may be solicited or received during working hours, except by recognized employee organizations during any employee's nonworking hours (including lunch periods and other break times). However, no person may enter onto district premises for the purpose of such a solicitation.

Lastly, local ordinances limiting the amount of money individuals or organizations may contribute to a ballot measure campaign, or limiting spending by such a campaign, are probably unconstitutional.

Campaign Finance Reporting Requirements

Contributions of money, materials, and time to a political campaign are subject to the Political Reform Act, and donors and recipients must comply with certain reporting requirements.

Although spending limitations do not apply to a ballot measure election, public agencies that assist an election effort must still comply with reporting requirements of the Political Reform Act. Any person or entity that directly or indirectly **receives contributions or makes expenditures of \$1,000 per year** to or for a ballot measure campaign committee, or that **makes contributions amounting to \$10,000 or more per year** to such a committee, must comply with reporting requirements of the Political Reform Act. The Act makes no exception for public agencies.

ATTACHMENT A**-3-****"Contributions" include:**

- compensation paid to a person for services rendered to a committee, even if the compensation is paid by a third party. For example, if a campaign consultant performs services on behalf of the Citizens' Committee for Measure A, and is paid by the district for all or part of the services, the fee is a contribution;
- payment of a public employee's salary for time spent working on behalf of a committee;
- payment of an employee's ordinary salary when the employee spends more than 10% of his or her compensated time in any month rendering services for political purposes at the direction of the employer, or is otherwise relieved of ordinary duties to be able to contribute that time; and
- free use of college facilities for meeting purposes may constitute an in-kind contribution of the district's direct costs in providing the meeting rooms.

"Contributions" do not include:

- volunteer personal services;
- campaign activities conducted entirely on vacation time, or on time that is not publicly paid working hours; and
- contributions of time or money where it is clear from the surrounding circumstances that the purpose was not to attempt to influence the voters for or against the passage of a ballot measure.

These are the basic guidelines that must be made clear to all District staff and Governing Board members to ensure that no violations or infractions of these rules and regulations are made during the parcel tax campaign process.

**GOVERNING BOARD
OF THE
CONTRA COSTA COMMUNITY COLLEGE DISTRICT
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

Resolution No. _____

RESOLUTION CALLING PARCEL TAX ELECTION

WHEREAS, the Governing Board (the "Governing Board") of Contra Costa Community College District (the "District") seeks to maintain its excellent schools for the benefit of all local community college students; and

WHEREAS, the Contra Costa community places a high value on maintaining and continuing to improve the academic performance and the quality of education for community college students in the District; and

WHEREAS, Diablo Valley College, Contra Costa College, and Los Medanos College prepare students to transfer to four-year universities; maintain job training in healthcare, technology, public safety, and other areas, and provide needed student support services; and

WHEREAS, a superior and comprehensive education program delivers many long lasting benefits and advantages to all the residents of our community; and

WHEREAS, strong support of local community colleges enhance property values within the District; and

WHEREAS, local funding of community colleges allow local control over student educational opportunities; and

WHEREAS, community colleges serve as an essential safety net for students as the cost of four-year colleges continues to rise; and

WHEREAS, the District and community have consistently supported our local community colleges with local fund-raising efforts, including Measure A in 2002 and Measure A in 2006; and

WHEREAS, as a result of four years of state apportionment revenue reductions, the District and the colleges have made dramatic reductions of programs, services, and course offerings; and

WHEREAS, the Governing Board believes that a special tax is necessary to maintain and enhance quality affordable education for the students of Contra Costa Community College District; and

WHEREAS, all parcel tax proceeds for our local community college district may not be taken by the state; and

WHEREAS, funds would be used to maintain student access, provide needed course offerings, increase student success by providing tutoring, counseling, instructional and other support services, complete one-time deferred maintenance projects that will enhance the safety of our colleges and quality of the learning environment; and

WHEREAS, all expenditures of these funds shall be monitored by an independent Citizens' Oversight committee;

WHEREAS, Section 4 of Article XIII A and Section 2(d) of Article XIII C of the California Constitution, and Section 50079.1 of the Government Code authorize a community college district to impose special taxes meeting certain requirements upon approval of two-thirds of the electorate voting on the proposition; and

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

WHEREAS, November 6, 2012 is an established general election date; and

WHEREAS, the Governing Board has held a public hearing after due notice regarding the parcel tax proposed by this Resolution, as required by Government Code Section 50077; and

WHEREAS, the District is located entirely within the County of Contra Costa (the "County"), and the Contra Costa County Superintendent of Schools has jurisdiction over the District; and

WHEREAS, the District's boundaries have not changed since the [November 7, 2006] general election;

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Contra Costa Community College District as follows:

1. Recitals. This Governing Board hereby finds and determines that the foregoing recitals are true and correct.

2. Order of Election; Specifications of Ballot Proposition. This resolution shall stand as the order to the Contra Costa County Superintendent of Schools to call a general election within the boundaries of the District on November 6, 2012, for the purpose of proposing to the electors of the District the question 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 50079.1 of the California Government Code.

This Governing Board hereby requests the Registrar of Voters of the County of Contra Costa (the "Registrar of Voters") to submit to the voters of the District at said election the proposition as it appears in Exhibit A.

3. Filing of Specifications of the Election Order.

(a) a. The Secretary of this Governing Board is ordered to cause certified copies of this resolution to be delivered to the Contra Costa County Superintendent of Schools not later than Friday, August 10, 2012.

(b) a. Pursuant to Section 5322 of the Education Code, the Secretary of this Governing Board is also ordered to cause certified copies of this resolution and order to be delivered not later than Friday, August 10, 2012 to the Registrar of Voters and the Clerk of the Board of Supervisors of the County.

4. Formal Notice. The Contra Costa 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 8, 2012 or to otherwise cause the notice to be published as permitted by law. The Secretary of this Governing Board, 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.

5. Conduct of Election.

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

(b) *Ballot and Voter Pamphlet.* The Registrar of Voters is requested to cause the exact wording of the Abbreviation of the Measure contained in Exhibit A-I to appear on the ballot, and to print the Full Text of the Measure contained in Exhibit A-II in the voter information pamphlet to be distributed to voters pursuant to the Elections Code. The full text of the measure is all that text in Exhibit A-II between the indicators "**BEGINNING OF FULL TEXT OF MEASURE----->>>>>**" and "**<<<<<-----END OF FULL TEXT OF MEASURE.**"

(c) *Consolidation.* The Contra Costa 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 proposition shall become effective upon approval of two-thirds of those voting thereon.

(f) *Election Costs.* This Governing Board shall pay all costs of the election approved by the Board of Supervisors of the County, pursuant to Education Code Section 5421.

6. Appropriations Limit. This Governing Board 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.

7. Ballot Argument. The President of this Governing Board, or any member or members of this Board as the President shall designate, is 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-II hereof, within the time established by the Registrar of Voters, which shall be considered the official ballot argument of this Board as sponsor of the proposition.

8. Effective Date. This resolution shall take effect from and after its adoption.

PASSED AND ADOPTED this [___] day of [June], 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

President of the Governing Board
Contra Costa Community College District

ATTEST:

Secretary of the Governing Board
Contra Costa Community College District

EXHIBIT A
PARCEL TAX MEASURE TEXT

I. ABBREVIATION OF THE MEASURE

[This summarizes, in 75 words or less, the full text of the measure which appears below.]

“To provide Diablo Valley College, Contra Costa College, Los Medanos College, and the Brentwood and San Ramon Centers with funds that cannot be taken by the state; maintain high quality education; support course offerings and instructional programs, including healthcare, technology, and public safety; increase access to support services, and prepare students for university transfer; shall Contra Costa Community College District levy \$11 per parcel for six years with Citizens’ Oversight, no funds for permanent salaries, and all funds spent locally?”

[75 words]

II. FULL TEXT OF THE MEASURE

BEGINNING OF FULL TEXT OF MEASURE----->>>>>

CONTRA COSTA COMMUNITY COLLEGE DISTRICT 2012 Education Revenue Augmentation Act

This Proposition may be known and referred to as the “Contra Costa Community College District 2012 Education Revenue Augmentation Act” or as “Measure ____”. *[designation to be assigned by County Registrar of Voters]*

FINDINGS

The Governing Board of Contra Costa Community College District (“Governing Board”) seeks to maintain its schools for the benefit of its community college students. The Contra Costa County community places a high value on maintaining and continuing to improve the academic performance and quality of education for community college students in the District.

The local community colleges—Diablo Valley College, Contra Costa College, and Los Medanos College—and the college centers in San Ramon (Diablo Valley College) and Brentwood (Los Medanos College), prepare students to transfer to four-year universities; maintain job training in healthcare, technology, public safety, and other areas, and preserve student services.

The District and community have consistently supported our local community colleges with local fund-raising efforts, including Measure A in 2002 and in 2006.

The District and the colleges have made reductions of programs, services, and course offerings as a result of four years of state apportionment revenue reductions.

The Governing Board believes that a special tax is necessary to maintain and enhance quality education for Contra Costa Community College District students.

All funds generated from this special tax cannot be taken by the state.

All expenditures of these funds would be monitored by an independent Citizens’ Oversight committee.

TERMS

Upon approval of two-thirds of those voting on this Proposition, the District shall be authorized to levy a qualified special tax annually on each parcel of taxable real property in the District for six fiscal years commencing Monday, July 1, 2013. The qualified special tax shall be known and referred to as the “2012 Education Revenue Augmentation Act”. The amount of the 2012 Education Revenue Augmentation Act shall be \$11 per year per parcel of taxable property.

PURPOSES

Proceeds of the 2012 Education Revenue Augmentation Act shall be authorized to be used to provide financial support to school programs directly benefitting students, as follows:

- protect and support academic course offerings and instructional programs including healthcare, technology, and public safety;
- increase student access to academic support services;
- prepare students for university transfer; and
- provide other financial support to the extent of available funds to maintain the District's academic programs and operations, including deferred maintenance and the purchase of instructional equipment, materials and supplies.

No proceeds shall be spent on direct or indirect costs for permanent staff of the District.

Proceeds shall be fairly and equitably distributed, as the Governing Board of the District shall determine.

ACCOUNTABILITY PROVISIONS

Independent Citizens' Oversight Committee. The Governing Board shall establish an independent Citizens' Oversight Committee to review the Annual Audit and other records of how moneys raised under this Proposition have been spent in order to ensure that such moneys have been spent wisely and only for the purposes named in this Proposition. The Governing Board shall provide by resolution for the composition, duties, funding and other necessary information regarding the Committee's formation and operation.

Annual Audit. Upon the levy and collection of the education parcel tax, the Governing Board shall cause an account to be established for deposit of the proceeds, pursuant to Government Code Section 50075.1. For so long as any proceeds remain unexpended, the Chancellor or the chief financial officer of the District shall cause a report to be filed with the Governing Board no later than December 31 of each year, commencing December 31, 2013, stating (1) the amount collected and expended in such year, and (2) the status of any projects or description of any programs funded. The costs of preparing the annual report may be paid from the proceeds of the parcel tax. The report may relate to the calendar year, fiscal year, or other appropriate annual period, as said officer shall determine, and may be incorporated into or filed with the annual budget, audit, or other appropriate routine report to the Governing Board.

Specific Purposes. All of the purposes named in this Proposition shall constitute the specific purposes of the 2012 Education Revenue Augmentation Act, and proceeds of the tax shall be applied only for such purposes.

LEVY AND COLLECTION

The 2012 Education Revenue Augmentation Act shall be collected by the Contra Costa 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 Contra Costa County Treasurer-Tax Collector. “Parcel of taxable real property” shall exclude all parcels which are otherwise exempt from or on which are levied no *ad valorem* property taxes in any year.

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 2012 Education Revenue Augmentation Act paid shall follow the procedures applicable to property tax refunds pursuant to the California Revenue and Taxation Code.

SEVERABILITY

The Governing Board hereby declares, and the voters by approving this Proposition concur, that every section, paragraph, sentence and clause of this Proposition has independent value, and the Governing Board and the voters would have adopted each provision hereof regardless of every other provision hereof. Upon approval of this Proposition 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.

<<<<<< ----- END OF FULL TEXT OF MEASURE.

EXHIBIT B
FORM OF
FORMAL NOTICE OF PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Contra Costa Community College District of Contra Costa County, California, that in accordance with the provisions of the Education Code, the Elections Code, and the Government Code of the State of California, a general election will be held on November 6, 2012, for the purpose of submitting to the qualified electors of the District the proposition summarized as follows:

“To provide Diablo Valley College, Contra Costa College, Los Medanos College, and the Brentwood and San Ramon Centers with funds that cannot be taken by the state; maintain high quality education; support course offerings and instructional programs, including healthcare, technology, and public safety; increase access to support services, and prepare students for university transfer; shall Contra Costa Community College District levy \$11 per parcel for six years with Citizens’ Oversight, no funds for permanent salaries, and all funds spent locally?”

By execution of this formal Notice of Election the County Superintendent of Schools of Contra Costa 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 Contra Costa County, by this Notice of Election, has called the election pursuant to a Resolution and Order of the Governing Board of the Contra Costa Community College District adopted [_____], in accordance with the provisions of Education Code Sections 5302, 5325 and 5361.

IN WITNESS WHEREOF, I have hereunto set my hand this day, July ____, 2012.

County Superintendent of Schools
Contra Costa County, California

SECRETARY'S CERTIFICATE

I, John E. Marquez, Secretary of the Governing Board of the Contra Costa Community College District, County of Contra Costa, California, do hereby certify as follows:

The attached is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Governing Board of the District duly and regularly held at the regular meeting place thereof on [_____], and entered in the minutes thereof, of which meeting all of the members of said Governing Board had due notice and at which a quorum thereof was present, and said resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

At least 72 hours before this meeting an agenda containing a brief general description of the resolution and specifying the time and location of the meeting was posted at 500 Court Street, Martinez, California 94553, a location freely accessible to members of the public.

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.

WITNESS my hand this day, July __, 2012.

Secretary of the Governing Board
Contra Costa Community College District