PERALTA COMMUNITY COLLEGE DISTRICT
333 East Eighth Street, Oakland, CA 94606
RESOLUTION NO. 11/12-27

A RESOLUTION ORDERING AN ELECTION TO BE HELD ON JUNE 5, 2012 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT THE QUESTION OF LEVYING A SPECIAL TAX ON EACH PARCEL IN THE DISTRICT FOR EDUCATIONAL PURPOSES; AND ESTABLISHING THE SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, our local community colleges—Berkeley City College, College of Alameda, and Laney and Merritt Colleges in Oakland—provide our community's students with a high quality education that prepares them to transfer to four-year universities and compete for future careers;

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

WHEREAS, after years of cuts from the State, our community colleges have a significant budget shortfall, forcing our colleges to reduce the number of courses that are offered;

WHEREAS, the Board of Trustees of Peralta Community College District ("the Board of Trustees") believes that a special tax is necessary to maintain and enhance quality education for the students of Peralta Community College District;

WHEREAS, all funds for our local community college district would stay in our community and could not be taken away by the State, no funds would be used for administrators' salaries or benefits, and all expenditures would be monitored by an independent Citizens' Oversight Committee;

WHEREAS, Section 4 of Article XIIIA and Section 2 of Article XIIIC of the California Constitution and Sections 50075, 50076, 50077, 50079.1 and 53722 *et seq.* of the Government Code authorize a community college district to levy a special tax for specified purposes following notice and a public hearing, if two thirds of those voting approve such a measure;

WHEREAS, the Board of Trustees has conducted a noticed public hearing (the "Hearing") pursuant to Section 50077 of the Government Code, on the question of whether or not to request the voters of Peralta Community College District (the "District") to authorize funding to continue the programs identified below; and

WHEREAS, in accordance with Section 54954.2 of the Government Code, notice of the Hearing was posted at least seventy-two (72) hours in advance of the Hearing (a) on the District's website, (b) on or near the doors of the District's office, and (c) in three (3) public places within the District's territory;

NOW THEREFORE, THE BOARD OF TRUSTEES OF PERALTA COMMUNITY COLLEGE DISTRICT HEREBY RESOLVES, DETERMINES AND ORDERS THE FOLLOWING:

Section 1. The Board of Trustees has determined that in order to maintain and enhance quality education in the District, an election is advisable; and hereby orders the Alameda County Registrar of Voters to call an election and submit to the voters of the District the question of whether to adopt a special tax to maintain and enhance the quality of the District's public education that has benefited all students and citizens.

Section 2. The special tax shall be in the amounts and for the purposes set forth in the attached Exhibit A for eight (8) years beginning on July 1, 2012, assessed against each parcel of taxable land located wholly or partly in the District. A parcel shall be defined as any unit of land located wholly or partly in the District that now receives a separate tax bill from the County of Alameda. All property that would otherwise be exempt from property taxes will also be exempt from the imposition of the special tax.

Section 3. The date of the election (the "Election") shall be June 5, 2012.

Section 4. The purpose of the Election shall be for the voters in the District to vote on a ballot measure ("the Measure"), which has been attached as Exhibit A and incorporated by reference. As required by Section 13247 of the Elections Code, the abbreviated form of the Measure to appear on the ballot has been attached as Exhibit B.

Section 5. The Board of Trustees has the authority to order the Election.

Section 6. The authority for the specifications of this election order is set forth in Section 5322 of the Education Code.

Section 7. This Resolution shall stand as the order to the Alameda County Registrar of Voters to call the Election within the boundaries of the District on June 5, 2012.

Section 8. The Secretary of the Board of Trustees is directed immediately to send a certified copy of this Resolution to the Alameda County Registrar of Voters, the Alameda County Board of Supervisors, and the Alameda County Superintendent of Schools so that the Superintendent receives it no later than January 25, 2012. The Secretary is further directed to post this Resolution (a) on the District's website no later than January 25, 2012 and (b) on or near the doors of the District office and in at least three (3) public places within the District's territory no later than fifteen (15) days before the date of the Election.

Section 9. The Alameda County Superintendent of Schools is requested to deliver this Resolution, which constitutes the order of election, and a formal notice of the Election to the Alameda County Registrar of Voters no later than January 26, 2012. The Alameda County Superintendent of Schools is also requested to perform the duties under Section 5302 of the Education Code; namely, to call the Election, prepare recommendations,

statements, or arguments for the Election as required, and to receive petitions, as necessary.

Section 10. The Alameda County Superintendent of Schools is requested to prepare a Formal Notice of Parcel Tax Election ("the Notice") containing the information specified in Section 5361 of the Education Code, in substantially the form attached as Exhibit C and to publish and/or post the Notice as required by law.

Section 11. Pursuant to Section 5303 of the Education Code, the Alameda County Registrar of Voters is hereby requested to take all steps incident to the preparation for and the holding of the Election in accordance with applicable law and these specifications. The Board of Trustees requests that the Registrar of Voters deliver a copy of all published notices to the Secretary of this Board of Trustees pursuant to Section 12113 of the Elections Code.

Section 12. The Board of Supervisors of Alameda County is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.

Section 13. In accordance with Section 5342 of the Education Code and Section 10402.5 of the Elections Code, it is requested that the Election to be held be consolidated by the Alameda County Registrar of Voters and the Alameda County Board of Supervisors, for all purposes, with any and all other elections also called to be held on June 5, 2012, if those elections are to be held in the same territory or in territory that overlaps with that of the District.

Section 14. If the proceeds of the special tax exceed the appropriations limit determined under Section 7902.1 of the Government Code (or any successor provision of law) for a fiscal year, the Board of Trustees may increase the District's appropriations limit to an amount equal to the proceeds of the special tax.

Section 15. Subject to two-thirds approval of the voters, the special tax shall become effective as of July 1, 2012 and be collected by the Alameda County Tax Collector at the same time as and along with, and shall be subject to the same penalties as general *ad valorem* taxes collected by the Tax Collector. The tax and penalty shall bear interest at the same rate as the rate for unpaid *ad valorem* property taxes until paid.

Section 16. The Board of Trustees authorizes and directs the Chancellor of the District and his designee to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution, including defraying all necessary fees and expenses in connection with preparing for or holding the Election. All actions taken by the 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.

Section 17. The Board of Trustees authorizes and directs the Chancellor of the District and his designee to provide accountability measures pursuant to Section 50075.1 of the

Government Code including but not limited to all of 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 pursuant to subsection (a), (c) the creation of an account into which the proceeds shall be deposited, and (d) an annual report pursuant to Section 50075.3 of the Government Code.

Section 18. Pursuant to Section 50075.3 of the Government Code, the Board of Trustees directs that the chief fiscal officer of the District file a report with the Board of Trustees no later than January 1, 2013, and at least once a year thereafter. The annual report shall contain both of the following: (a) the amount of funds collected and expended, and (b) the status of any project required or authorized to be funded by those funds.

Section 19. To ensure additional accountability, an independent Citizens' Oversight Committee shall oversee all expenditures funded by the measure to ensure that those funds are spent in accordance with the purposes approved by the voters. The Citizens' Oversight Committee shall monitor the expenditures of these funds by the District and shall report annually to the community at a public Board of Trustees meeting on how these funds have been spent. Any member of the community-at-large shall be eligible to be appointed to the Citizens' Oversight Committee, irrespective of their citizenship status. The Citizens' Oversight Committee shall be established by the District no later than January 31, 2013.

Section 20. To adopt best practices and effectively respond to changing circumstances, the Board reserves the right to amend this Resolution to the extent allowed by law.

Section 21. The Board of Trustees hereby declares, and the voters by approving this measure concur, that every section, paragraph, sentence and clause of the Measure has independent value, and the Board of Trustees and the voters would have adopted each part of the Measure regardless of every other part. After the Measure has been approved by the voters, if any of its parts is declared invalid by a court of competent jurisdiction for any reason, all remaining parts shall remain in full force and effect to the fullest extent allowed by law.

PASSED AND ADOPTED this 24th day of January 2012 by the following called votes:

AYES: Trustees González Yuen, Gulassa, Hodge, Handy, Riley, and Withrow

NOES: Trustee Guillén

Wei E. Allen

Secretary of the Board of Trustees
Peralta Community College District
Alameda County
State of California

EXHIBIT A

(to Resolution 11/12-27)
FULL TEXT OF SPECIAL TAX MEASURE

INTRODUCTION

To provide College of Alameda, Laney College, Merritt College and Berkeley City College secure funds that cannot be taken by the state, and support affordable college education including: providing core academic programs including math, science and English; training students for successful careers; and educating students to transfer to university; shall Peralta Community College District levy $48 per parcel annually for 8 years with Citizens' Oversight, no funds for administrators' salaries, and all funds spent in our college district?

Tax - Yes Tax - No

This Measure provides the additional funding required to protect and maintain Peralta Community College District's high-quality educational programs.

PURPOSES

If two thirds of those voting approve this Measure, Peralta Community College District (the "District") will be authorized to levy a special tax to (1) provide the College of Alameda, Laney College, Merritt College, and Berkeley City College secure funds that cannot be taken away by the State, and (2) support affordable college education for the following purposes:

A. Protect and maintain core academic programs including math, science, and English;
B. Train students for successful careers; and
C. Prepare students for transfer to four-year universities.

The Board of Trustees will fund all of the programs listed above, unless it determines in any given year that changes in student population, fiscal constraints, or other changes in state or federal funding make doing so infeasible or inadvisable. The Board of Trustees will not be allowed to use the proceeds of the special tax to fund any program other than those listed above, and will not be allowed to use those proceeds for administrators' salaries or benefits.

The special tax will be levied for a period of eight (8) years, beginning July 1, 2012, at the rate shown below, on each assessor's parcel located wholly or partly within the District.

RATE

The special tax shall be levied on all parcels of property in the District, except where those parcels are otherwise exempt from taxation. The tax levied shall be at the rate of Forty-eight Dollars ($48) per parcel per year, on all residential, commercial, industrial and institutional parcels, irrespective of whether those parcels are improved or unimproved.

ACCOUNTABILITY AND COMPLIANCE MEASURES

In accordance with the requirements of Sections 50075.1 and 50075.3 of the Government Code, the following accountability measures, among others, shall apply to the special taxes levied in accordance with this Measure:

(a) Proceeds from the special tax shall be deposited into a resource fund which shall be kept separate and apart from other funds in the District and shall be applied only as set forth in this Measure.

(b) An Annual Report, including proceeds from the special tax, the expenditures of those monies and the status of any projects funded by those monies, shall be produced by the Chancellor on behalf of the Board of Trustees no later than January 1 of the year following the fiscal year during which the monies were spent.

EXHIBIT B

SPECIAL TAX MEASURE
For
PERALTA COMMUNITY COLLEGE DISTRICT
(Abbreviated Form) *

To provide College of Alameda, Laney College, Merritt College and Berkeley City College secure funds that cannot be taken by the state, and support affordable college education including: providing core academic programs including math, science and English; training students for successful careers; and educating students to transfer to university; shall Peralta Community College District levy $48 per parcel annually for 8 years with Citizens' Oversight, no funds for administrators' salaries, and all funds spent in our college district?

Tax - Yes Tax - No

*Limited to 75 words pursuant to Section 13247 of the Elections Code

EXHIBIT C

FORMAL NOTICE OF SCHOOL PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Peralta Community College District of Alameda County, California, that in accordance with the Education Code of the State of California, an election will be held on June 5, 2012, where the following Measure shall be submitted to the qualified electors of the District and voted upon:

To provide College of Alameda, Laney College, Merritt College and Berkeley City College secure funds that cannot be taken by the state, and support affordable college education including: providing core academic programs including math, science and English; training students for successful careers; and educating students to transfer to university; shall Peralta Community College District levy $48 per parcel annually for 8 years with Citizens' Oversight, no funds for administrators' salaries, and all funds spent in our college district?

Tax - Yes Tax - No

All of the purposes listed in the Measure shall be united and voted upon as one single measure, and the precincts, places of holding the elections and officers appointed to conduct the elections shall be the same as those provided in the local consolidated election, under the Notice of Election adopted on January 24, 2012.

The County Superintendent of Schools of Alameda County, by this Notice of Election, has called the election pursuant to a Resolution of the Board of Trustees of the Peralta Community College District, adopted January 24, 2012, in accordance with Sections 5325 and 5361 of the Education Code.

IN WITNESS WHEREOF, I have set my hand this 13th day of FEBRUARY, 2012.

Sheila Jordan
County Superintendent of Schools
Alameda County, California