

## MEASURE Y

### COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE Y

A school district may levy a qualified special tax upon approval by two-thirds of the votes cast on a measure pursuant to section 4 of article XIII A of the California Constitution and section 50075 *et seq.* of the California Government Code.

The Board of Education (Board) for the San Jose Unified School District (District) proposes a qualified special tax in the amount of \$72 per parcel per year beginning on July 1, 2017 and ending on June 30, 2025.

The tax measure states that an exemption from the proposed tax may be granted upon application for any parcel that is owner-occupied for (1) a person 65 years or older; (2) a person receiving Supplemental Security Income for a disability regardless of age; or (3) a person receiving Social Security Disability benefits whose yearly income does not exceed 250 percent of the 2012 federal poverty guidelines issued by the United States Department of Health and Human Services. All property that would otherwise be exempt from property tax will also be exempt from the proposed tax.

State law requires the District to state the specific purposes for which the tax proceeds will be used and only spend the proceeds of the tax for these purposes. The stated purposes of the proposed tax are to: (1) maintain and improve core academic programming in reading, writing, math, the arts, and science; (2) improve programs to prepare students for college and 21st-century careers; and (3) attract and retain high-performing teachers and educational staff. Charter schools overseen by the District and who have partnered with the District to educate students living in the District will receive an allocation of the qualified special tax as determined by the Board. The Measure states that revenue generated by the tax will not be used for District office administrators' salaries, pensions, or benefits.

The District is required by law to provide additional accountability measures for the proceeds. These measures include: (1) depositing the proceeds into a fund that is separate and apart from other District funds; and (2) providing an annual written report to the Board stating the amount of funds collected and expended, and the status of any project authorized to be funded from the tax proceeds. The Board will also create an independent citizens' oversight committee to provide oversight as to expenditures of parcel tax revenues.

Measure Y was placed on the ballot by the Board.

A "yes" vote is a vote to approve a parcel tax of \$72 per parcel on parcels within the District for eight years beginning on July 1, 2017.

A "no" vote is a vote to not approve the proposed parcel tax.

James R. Williams  
Acting County Counsel

By: /s/ Danielle L. Goldstein  
Deputy County Counsel

## COMPLETE TEXT OF MEASURE Y

### A. Introduction and Purpose

To provide local reliable funding for local neighborhood schools that cannot be taken by the State, to maintain and improve core academic programming in reading, writing, math, the arts and science, improve programs to prepare students for college and 21<sup>st</sup>-century careers; and attract and retain high performing teachers and educational staff, with no proceeds used for District office administrators' salaries, pensions or benefits, the San Jose Unified School District ("District") proposes to levy an academic achievement parcel tax measure for a period of eight years at the rate of \$72 per parcel per year with an exemption available for senior citizens and certain disabled persons, and to implement strict accountability measures, including review by an independent citizen oversight committee to ensure the funds are used to:

- Maintain and improve core academic programming in reading, writing, math, the arts and science;
- Improve programs to prepare students for college and 21<sup>st</sup>-century careers; and
- Attract and retain high performing teachers and educational staff.

Charter schools overseen by the District and who have partnered with the District to educate students living in the District will receive an allocation of the qualified special tax as determined by the District's governing board. Any charter school receiving proceeds of the qualified special tax shall comply with the audit and reporting requirements imposed on entities levying qualified special taxes, in part by providing information on the expenditure of proceeds to the District, and all proceeds shall be used for purposes consistent with this Measure.

### B. Amount and Basis of Tax

This qualified special tax shall authorize the District to annually levy a special tax of \$72 per Parcel of Taxable Real Property beginning July 1, 2017, and continuing for a period of eight (8) years.

This qualified special tax is estimated to raise \$5 million in annual local funding for District schools. The amount of annual local funding raised by this qualified special tax will vary from year-to-year due to changes in the number of parcels exempt from the levy.

"Parcel of Taxable Real Property" is defined as any unit of real property in the District that receives a separate tax bill for *ad valorem* property taxes from the County Tax Collector's Office. All property that is otherwise exempt from or upon which no *ad valorem* property taxes are levied in any year shall also be exempt from the special tax in such year.

### C. Exemptions

Under procedures adopted by the District, an exemption from payment of the special tax may be granted on any parcel owned by one or more persons who is/are:

1. An individual who will attain 65 years of age prior to July 1 of the tax year, owns a beneficial interest in the parcel, and occupies that parcel as his or her principal place of residence ("Senior Citizen Exemption"); or,

## COMPLETE TEXT OF MEASURE Y-Continued

2. Receiving Supplemental Security Income for a disability, regardless of age, and occupying said parcel as a principal residence ("SSI Exemption"); or
3. Receiving Social Security Disability Insurance benefits, regardless of age, whose yearly income does not exceed 250 percent of the 2012 federal poverty guidelines issued by the United States Department of Health and Human Services ("SSDI Exemption").

The District shall annually provide to the Santa Clara County Tax Collector ("County Tax Collector") or other appropriate County official a list of parcels that the District has approved for an exemption.

### **D. Claims/Exemption Procedures**

With respect to all general property tax matters within its jurisdiction, the County Tax Collector or other appropriate County tax official shall make all final determinations of tax exemption or relief for any reason, and that decision shall be final and binding. With respect to matters specific to the levy of the special tax including any exemptions, the application of the definition of "Parcel of Taxable Real Property" to any parcel(s), the legality or validity of the special tax, or any other disputed matter specific to the application of the special tax, the decisions of the District shall be final and binding. The procedures described herein, and any additional procedures established by the Board shall be the exclusive claims procedure for claimants seeking an exemption, refund, reduction, or re-computation of the special tax. Whether any particular claim is to be resolved by the District or by the County shall be determined by the District, in coordination with the County as necessary.

### **E. Appropriations Limit**

Pursuant to California Constitution Article XIII B and applicable laws, the appropriations limit for the District will be adjusted periodically by the aggregate sum collected by levy of this qualified special tax.

### **F. Mandatory Accountability Protections**

1. *Specific Purposes.* The proceeds of the special tax shall be applied only to the specific purposes identified above. The proceeds of the special tax shall be deposited into a fund, which shall be kept separate and apart from other funds of the District.
2. *Annual Reports.* No later than December 31 of each year while the tax is in effect, the District shall prepare and file with the Board a report detailing the amount of funds collected and expended, and the status of any project authorized to be funded by this Measure. The report may relate to the calendar year, fiscal year, or other appropriate annual period, and may be incorporated into or filed with the annual budget, audit, or other appropriate routine report to the Board.
3. *Independent Citizens' Oversight Committee.* The Board shall provide for the creation of an independent citizens' oversight committee to oversee the funds collected pursuant to the Measure to ensure that moneys raised under this Measure are spent only for the purposes described in this Measure. The Board shall provide for the composition, duties, funding, and other necessary information regarding the committee's formation and operation.

## COMPLETE TEXT OF MEASURE Y-Continued

### **G. Protection of Funding**

Current law forbids any decrease in State or federal funding to the District resulting from the adoption of qualified special tax. However, if any such funding is reduced or affected because of the adoption of this local funding measure, then the Board may reduce the amount of the special taxes levied as necessary in order to restore such State or federal funding and/or maximize the District's fiscal position for the benefit of the educational program. As a result, whether directly or indirectly, no funding from this measure may be taken away by the State or federal governments.

### **H. 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.

## ARGUMENT IN FAVOR OF MEASURE Y

**Vote Yes on Y to prepare our neighborhood elementary, middle, and high school students for success in our competitive 21st-century economy.**

Due to strong classroom instruction, core academic programs, and vocational education, student achievement has significantly improved in our neighborhood schools in recent years. To continue this success, we need Measure Y.

**Measure Y attracts and retains excellent teachers in our neighborhood schools.**

The high cost of living in our area and a national teacher shortage is putting San Jose at risk of losing some of the best classroom teachers. Measure Y will attract and retain the best and brightest teachers in our local schools.

**Measure Y prepares students for college and successful careers.**

Our local students go on to become the workforce of Silicon Valley. Measure Y will improve core academic programs in reading, writing, math, the arts, and science, as well as vocational programs to prepare students for college and competitive, 21st-century careers.

**The State CANNOT take away Measure Y funds.**

All Measure Y funds will stay in our neighborhood schools and cannot be taken away by the State. Citizen oversight and annual audits ensure the funds are spent as promised.

**Vote YES on Y**

- Maintain and improve core academic programs in reading, writing, math, the arts, and science
- Improve programs to prepare students for college and 21st-century careers
- Attract and retain high-performing teachers

**Strong Fiscal Accountability Protections**

- All funds will stay in our local schools and cannot be taken away by the state
- Citizen oversight and annual audits ensure all funds are used for voter-approved purposes only
- Measure Y will expire in eight years and cannot be renewed without voter approval
- Senior citizen homeowners can receive an exemption

**All local students deserve the opportunity to succeed. Join neighbors, community leaders, and parents: Vote YES on Measure Y.**

/s/ Susan Hammer  
Former Mayor of San Jose

/s/ Fernando Zazueta  
Co-Founder, Mexican Heritage Corporation

/s/ Carl Guardino  
President & CEO Silicon Valley Leadership Group

/s/ Carl Salas  
San Jose Business Owner

/s/ Vandana Kaushal  
President, San Jose Unified Council of PTAs

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE Y

In 2012, voters approved a whopping \$290,000,000 bond debt measure and now the District is coming back for more loot.

The District wants to impose a tax increase of \$576 over the next 8 years.

According to the web site: [www.ed-data.org](http://www.ed-data.org), the district revenues for 2014-15 (latest figures available) were \$320,949,607 and for 2013-14 school-year, revenues were \$296,486,221.

**That's a \$24,463,386 jump in revenues in just one year.** So, why do they need a new the \$72 parcel tax increase?

Answer: they don't.

They are spending \$10,416 per student per year in 2014/15 which is 102% of the statewide average. That's a whopping \$742 per student revenue increase year over year.

The district's ADA (Average Daily Attendance) has declined by 214 students since the 2013-14 school year, which should mean lower costs.

If they are already receiving and spending \$742 per student more than last school year, why do they need a \$72 parcel tax for the next 8 years?

Answer: they don't.

**Just once, wouldn't you like to see a "temporary tax" actually be temporary?**

More money spent on schools will NOT result in higher test scores, but will result in bigger bureaucracies and fatter pensions. Please **vote NO on Measure Y.**

**Please don't believe the lie that "no funds for district office administrators' salaries". All money is fungible and that means funds raised by this tax will free up additional monies for higher administration salaries.**

For more information, visit [www.SVTaxpayers.org/2016-san-jose-unified-school-parcel-tax](http://www.SVTaxpayers.org/2016-san-jose-unified-school-parcel-tax)

/s/ Mark W.A. Hinkle  
President: Silicon Valley Taxpayers Association

## ARGUMENT AGAINST MEASURE Y

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The District wants to impose a tax increase of \$576 over the next 8 years.

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The district's ADA (Average Daily Attendance) has declined by 214 students since the 2013-14 school year, which should mean lower costs.

If they are already receiving and spending \$742 per student more than last school year, why do they need a \$72 parcel tax for the next 8 years?

Answer: they don't.

And that's on top of the \$290,000,000 bond measure debt approved in 2012--NOT counting interest expense on that debt.

It's time we said no to the tax and spend special interest crowd and reject this parcel tax.

**Just once, wouldn't you like to see a "temporary tax" actually be temporary?**

More money spent on schools will NOT result in higher test scores, but will result in bigger bureaucracies and fatter pensions. Please **vote NO on Measure Y.**

**Please don't believe the lie that "no funds for district office administrators' salaries". All money is fungible and that means funds raised by this tax will free up additional monies for higher administration salaries.**

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/s/ Mark W.A. Hinkle

President: Silicon Valley Taxpayers Association

## REBUTTAL TO ARGUMENT AGAINST MEASURE Y

Unlike the author of the argument against Measure Y, we believe neighborhood elementary, middle, and high school student success is a community priority. This lone opponent doesn't live in San Jose and regularly opposes every school measure in Santa Clara County.

We know the 32,000 students attending our neighborhood schools need Measure Y to excel in our competitive economy and become Silicon Valley's future leaders.

**Measure Y must be used for specific academic priorities in our schools:**

- Maintaining and improving core academic programs in reading, writing, math, the arts, and science
- Improving programs to prepare students for college and 21st-century careers
- Attracting and retaining high-performing teachers

**Citizen oversight and annual audits ensure Measure Y is used for voter-approved purposes only.**

**Nothing is more critical to student success than high-quality teachers.**

The national teacher shortage and high cost of living in our area is making it difficult to attract and retain the best and brightest teachers, who are key to preparing students for college and careers. Measure Y ensures quality teachers continue to teach in our local schools.

**Measure Y is dedicated to student success, not administrators.**

By law, no funds can be used for administrators' salaries, pensions, or benefits.

**Measure Y stays in our local schools--the state can't take away a single penny.** It is locally-controlled funding targeted to local educational priorities.

Every student deserves a great education and the opportunity to succeed in college and a high-paying career. Join us, vote YES on Y.

**[www.YesonY4StudentSuccess.org](http://www.YesonY4StudentSuccess.org)**

/s/ Jim Cunneen  
Former Republican Assemblymember

/s/ Nancy Pyle  
Former San Jose City Councilmember

/s/ Janet Akin  
San Jose Realtor

/s/ David Ginsborg  
SJUSD Measure H Citizen Oversight Committee

/s/ Ivonne Montes De Oca  
San Jose Small Business Owner