



OFFICIAL COPY

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES SPECIAL MEETING

July 31, 2012—4:30 P.M.*

District Office, 5020 Franklin Dr., Pleasanton CA
Multipurpose Room #120

1.0 GENERAL FUNCTIONS—PRESIDENT OF THE BOARD

1.1 **4:30 P.M.—OPEN SESSION-** CALL TO ORDER AND ROLL CALL*

1.2 PUBLIC COMMENTS

The Board requests that the public speak at this time. Any person wishing to address the Board on any Closed Session matter of concern is requested to complete a "Request to Address the Board of Trustees" card and file it with the Recording Secretary of the Board prior to start of the meeting. Individuals will be called upon to speak by the presiding officer. The Board cannot act on or discuss items not listed on the agenda.

- ##### 1.3 CLOSED SESSION—Personnel, Collective Bargaining and Possible Litigation
- a. **CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION**
(Government Code Section 54956.9(a))
 - i. Department of Fair Employment and Housing Complaint of Race Discrimination filed by Joel Kinnamon;
 - ii. Government Tort Claim for Damages filed by Joel Kinnamon
 - b. **PUBLIC EMPLOYEE(S) EVALUATION/DISCIPLINE/
DISMISSAL/ RELEASE** (Government Code Section 54957)
 - c. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957)
Title: Interim Chancellor

***Board meeting will immediately adjourn to a Closed Session to end at 6:30 p.m. If business is not concluded by 6:30 p.m., the Board will reconvene to the Regular Meeting and recess the Closed Session until the end of the meeting.**

- 1.0 GENERAL FUNCTIONS—PRESIDENT OF THE BOARD (continued)**
- 1.4 **6:30 P.M.—OPEN SESSION-
CALL TO ORDER AND ROLL CALL**
- 1.5 **PLEDGE TO FLAG**
- 1.6 **PUBLIC COMMENTS**
The Board requests that the public speak at this time. Any person wishing to address the Board on any matter of concern is requested to complete a “Request to Address the Board of Trustees” card and file it with the Recording Secretary of the Board prior to the start of the meeting. Individuals will be called upon to speak by the presiding officer. The Board cannot act on or discuss items not listed on the agenda.
- 1.7 **PUBLIC HEARING**
Calling an Election for Voter Approval for an Educational Parcel Tax - November 6, 2012
- 2.0 OTHER ACTION ITEMS**
- 2.1 Adoption of Resolution No. 03-1213—Calling an Election for Voter Approval for an Educational Parcel Tax - November 6, 2012
- 3.0 CLOSED SESSION—(Government Code Section 54954.5)**
- 3.1 Personnel
- 3.2 Collective Bargaining
- 3.3 Possible Litigation
- 4.0 ADJOURNMENT**
- 5.0 NEXT MEETING OF THE BOARD OF TRUSTEES**
August 21, 2012, Regular Meeting, District

Any person with a disability may request this agenda be made available in an appropriate alternative format. A request for a disability-related modification or accommodation may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting to the Chancellor’s Office, 5020 Franklin Drive, Pleasanton, 925-485-5207, between 8:00 a.m. and 5:00 p.m. at least 48 hours before the meeting.

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

July 31, 2012

Agenda Item: 2.1


Subject: Adoption of Resolution No. 03-1213—Calling an Election for Voter Approval for an Educational Parcel Tax - November 6, 2012

Background: The resolution before the Board calls an election within the District for the purpose of approving a \$28 per year, six-year parcel tax, a request to the Alameda County Registrar of Voters and the Contra Costa County Registrar of Voters to conduct the election on behalf of the District, and authorizes the preparation of election materials including ballot arguments to be included in the ballot pamphlet.

State law requires the Board of Trustees to order district parcel tax elections. The Alameda County Registrar of Voters and Contra Costa County Registrar of Voters will conduct the election on behalf of the District, including publishing all required notices. This resolution meets the statutory requirements for describing the terms of and purposes of the parcel tax. A 75-word summary of the measure, as it will appear on the ballot, is also included in the resolution. The Full Ballot Text of the Measure is set forth in Section 7, and will be printed in the voter pamphlet as it appears in the resolution. If approved by the voters, the parcel tax will be effective July 1, 2013. There are no exemptions to the payment of the tax. A citizens' oversight committee will need to be established to oversee the expenditure of the parcel tax revenues.

This election will be called under constitutional and statutory provisions that require two-thirds (66.6%) voter approval. A majority of the Board [at least four (4) Board members] must be present and vote "Yes" in order to call the election.

Recommended Action: That the Board of Trustees adopt Resolution No. 03-1213 Calling an Election for Voter Approval for an Educational Parcel Tax in Alameda and Contra Costa Counties, California on November 6, 2012; and further, that the Chancellor or designee deliver said resolution to the Alameda County Superintendent of Schools, the Alameda County Registrar of Voters, and the Contra Costa County Registrar of Voters.

 7.26.12
Submitted: Lorenzo Legaspi/Date

 7/26/12
Approved: Susan A. Cota/Date

APPROVED DISAPPROVED TABLED

BEFORE THE BOARD OF TRUSTEES
OF THE CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 03-1213

RESOLUTION CALLING AN ELECTION FOR VOTER
APPROVAL FOR AN EDUCATIONAL PARCEL TAX

WHEREAS, the Chabot-Las Positas Community College District (the “District”) provides high quality college education at Chabot College and Las Positas College; and

WHEREAS, the District plays a critical role in training students for careers in healthcare, nursing, technology and sciences, as well as prepares students for transfer to four-year universities; and

WHEREAS, future funding for the District from the State of California (the “State”) and other sources is projected to be inadequate to provide the level of support to the District’s educational programs which the residents of the District expect; and

WHEREAS, Article XIII A, Section 4 of the California Constitution and Sections 50075 et seq., of the California Government Code permit a community college district to propose the adoption of a qualified special tax for specified purposes and to levy such tax following approval by at least two-thirds of the voters voting upon the proposition; and

WHEREAS, the proceeds of such special taxes are required by law to be applied for the benefit of the community college and cannot be transferred to the State or any other district; and

WHEREAS, the Board of Trustees of the District proposes to establish the levy of an education parcel tax upon parcels of land within the District for the purposes set forth in this Resolution; and

WHEREAS, the District has conducted a noticed public hearing in connection with the proposed election regarding a qualified special tax prior to the adoption of this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Chabot-Las Positas Community College District as follows:

Section 1. This Board of Trustees (the “Board”) finds and determines that the foregoing recitals are true and correct.

Section 2. This Board hereby proposes to establish and levy an education parcel tax to be used to:

- (a) update classrooms technology;
- (b) maintain core academic classes such as math, science, and English;
- (c) attract and retain high quality teachers;
- (d) restore funding to increase the number of classes and lab offerings;

- (e) prepare students to transfer to four-year colleges and universities in a timely manner;
- (f) maintain job training programs to help prepare adults for 21st Century jobs; and
- (g) preserve student support services.

UNDER NO CIRCUMSTANCES SHALL ANY OF THE PROCEEDS OF THE EDUCATIONAL SPECIAL PARCEL TAX BE USED FOR ADMINISTRATORS' SALARIES OR BENEFITS. Parcel tax proceeds shall only be spent for Chabot College and Las Positas College.

Pursuant to Government Code Section 50075.1 the Board determines that the proceeds of the education parcel tax shall only be applied for the purposes stated above.

Section 3. The education parcel tax shall be a qualified special tax of \$28 per year assessed against each Parcel.

As used herein, the term "Parcel" means any parcel of land which lies wholly or partially within the boundaries of the District, for which the Assessor/Tax Collector of Alameda County and Contra Costa County, as applicable, issues a separate tax bill for *ad valorem* property taxes. The special tax shall be levied in each fiscal year for six (6) full years following voter approval of the tax.

Section 4. Subject to voter approval as set forth below, the education parcel tax shall be levied commencing with the 2013-2014 fiscal year of the District, and shall be collected with, and in the same manner and subject to the same interest and penalties as, general *ad valorem* taxes collected by both the Alameda County and Contra Costa County Tax Collectors. In accordance with the requirements of Government Code Section 50075.3, the District shall create a separate account into which the proceeds of the special tax shall be deposited.

Section 5. The levy and collection of the education parcel tax is not intended to decrease or offset any increase in local, state or federal government funding sources that would otherwise be available to the District at any time during which the education parcel tax may be levied. In the event that the levy and collection does have such an effect, the District shall reduce the education parcel tax levy to the extent of any such decrease or offset.

Section 6. This Board shall provide in each year (pursuant to Section 7902.1 of the Government Code) for any increase in the District's appropriation limit as shall be necessary to ensure that proceeds of the educational parcel tax may be spent for the authorized purposes.

Section 7. The Board hereby requests that each of the Alameda County Registrar of Voters and Contra Costa County Registrar of Voters submit the following measure to the voters of the District and to print this entire Full Ballot Text in the ballot pamphlet:

*CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT
EDUCATIONAL OPPORTUNITY MEASURE “ ___ ”
Chabot-Las Positas Community College District*

INTRODUCTION AND PURPOSE

To protect Chabot College and Las Positas College from State budget cuts, provide local funding that cannot be taken away by the State and preserve affordable, quality education for students, Chabot-Las Positas Community College District proposes to establish an education parcel tax for a period of six years, beginning July 1, 2013, at the rate of \$28 per year, on each assessor’s parcel located within the Chabot-Las Positas Community College District, and to implement accountability measures in connection with the temporary levy to ensure the funds are used to:

- (a) update classrooms technology;
- (b) maintain core academic classes such as math, science, and English;
- (c) attract and retain high quality teachers;
- (d) restore funding to increase the number of classes and lab offerings;
- (e) prepare students to transfer to four-year colleges and universities in a timely manner;
- (f) maintain job training programs to help prepare adults for 21st Century jobs; and
- (g) preserve student support services.

AMOUNT OF EDUCATION PARCEL TAX; PERIOD OF ASSESSMENT

The education parcel tax shall be \$28 (or less as provided below) per year for six (6) full years assessed against each parcel.

The proceeds of the education parcel tax shall be deposited into a separate account created by the District.

DEFINITION OF "PARCEL"

For purposes of the special tax, the term "Parcel" means any parcel of land which lies wholly or partially within the boundaries of the Chabot-Las Positas Community College District, that receives a separate tax bill for *ad valorem* property taxes from either the Alameda County or Contra Costa County Assessor/Tax Collector's office. All property that is otherwise exempt from or upon which are levied no *ad valorem* property taxes in any year shall also be exempt from the education parcel tax in such year.

For purposes of this special tax, any such "Parcels" which are (i) contiguous, (ii) used solely for owner-occupied, single-family residential purposes, and (iii) held under identical ownership may, by the owner submitting evidence of such facts by June 15 of any year to the Board of Trustees of the Chabot-Las Positas Community College District, be treated as a single "parcel" for purposes of the levy of this education parcel tax.

REDUCTION IN TAX IF RESULT IS LESS OTHER GOVERNMENT SUPPORT

The collection of the education parcel tax is not intended to decrease or offset any increase in local, state or federal government sources that would otherwise be available to the Chabot-Las Positas Community College District during the period of the education parcel tax. In the event that the levy and collection does have such an effect, the Chabot-Las Positas Community College District shall cease the levy or shall reduce the education parcel tax to the extent that such action would restore the amount of the decrease or offset in other revenues.

EXEMPTIONS FROM THE TAX

Current applicable California law does not provide any exemptions from the payment of the educational parcel tax, including exemptions for owners of parcels who are either 65 years of age or older or receive Supplemental Social Security income for a disability, regardless of age. However, in the event applicable law changes during the term of this educational parcel tax, the District intends to grant both seniors and disabled persons receiving SSI an exemption, to the extent legally permissible.

ACCOUNTABILITY MEASURES

In accordance with the requirements of California Government Code Sections 50075.1 and 50075.3, the following accountability measures, among others, shall apply to the education parcel tax levied in accordance with this Measure: (a) the specific purposes of the education parcel tax shall be those purposes identified above; (b) the proceeds of the education parcel

tax shall be applied only to those specific purposes identified above; (c) a separate, special account shall be created into which the proceeds of the education parcel tax must be deposited; and (d) an annual written report shall be made to the Board of Trustees of the District showing (i) the amount of funds collected and expended from the proceeds of the education parcel tax and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the education parcel tax, as identified above.

Under no circumstances shall any of the proceeds of the educational special parcel tax be used for administrators' salaries or benefits. Parcel tax proceeds shall only be spent for Chabot College and Las Positas College.

CITIZEN OVERSIGHT

In addition to the accountability measures required by State law, an Oversight Committee shall be appointed by the Board of Trustees to monitor the expenditures of these funds by the District and will report on an annual basis to the Board and community on how these funds have been spent.

End of Full Ballot Text of Measure

The abbreviated text of the ballot proposition with respect to the foregoing measure shall read as follows:

“To provide Chabot and Las Positas Community Colleges funds that cannot be taken by the state, ensure affordable quality education, prepare students for university transfer, maintain job training in healthcare, technology, public safety, and other areas, uphold core academics, and preserve student support services, shall Chabot-Las Positas Community College District levy \$28 per parcel annually for six years with Citizens' Oversight, no money for permanent salaries, and all funds spent on local colleges?”

Yes _____

No _____

The District's Chancellor, or designee, is hereby authorized and directed to make any changes to the text of the measure, or to the abbreviated form of the measure, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of elections, officials, and requirements of law.

Section 8. The measure set forth in Section 7 shall be submitted to the voters of the District at an election to be held on November 6, 2012. If approved by at least two-thirds of the voters voting on the measure, the measure shall take effect on July 1, 2013.

Section 9. This Resolution shall stand as the order to both the Alameda County Registrar of Voters and the Contra Costa County Registrar of Voters to call an election within the boundaries of the District on November 6, 2012. The Alameda County Registrar of Voters, the Alameda County Board of Supervisors, the Contra Costa Registrar of Voters and the Contra Costa County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 6, 2012 within the District.

Section 10. The Board hereby requests that each of the Alameda County Registrar of Voters and the Contra Costa County Registrar of Voters, or other appropriate election official of the respective County take all actions which are necessary or appropriate in connection with the election, including, but not limited to, printing and mailing sample ballots, arguments and applications for absentee ballots, canvassing election returns and certifying the results of the election to the Board. The Board hereby agrees to reimburse both Alameda County and Contra Costa County in full for any services performed for the District upon presentation of an invoice to the District.

Section 11. The Secretary of the Board is hereby authorized and directed to deliver a copy of this Resolution to the Alameda County Superintendent of Schools, the Registrar of Voters/Elections Department of Alameda County and Contra Costa County, as well as the Clerk of the Board of Supervisors of both Alameda County and Contra Costa County, not later than August 10, 2012, and to cause to give notice of the election by causing to be published a copy of this Resolution in a local newspaper of general circulation within the District once, not later than 15 days before the date of the election. The Secretary of the Board is hereby further authorized and directed to post a copy of this Resolution on or near the doors of the District's Office and in three public places within the District for at least two weeks before the date of the election.

Section 12. If any section, subsection, phrase or clause of this Resolution is for any reason found to be invalid, such section, subsection, phrase or clause shall be severed from, and shall not affect the validity of, all remaining portions of this Resolution which can be given effect without the severed portion.

Section 13. The members of the Board are hereby authorized, but not directed, to prepare and file with both the Alameda County and Contra Costa County Registrar of

Voters/Elections Department, a ballot argument in favor of the proposition contained in Section 7 hereof, within the time established by the Registrar.

Section 14. Subject to two-thirds approval of the voters, the qualified special education parcel tax shall be collected by both the Alameda County and Contra Costa County Tax Collector, as appropriate, at the same time and manner and shall be subject to the same penalties as ad valorem property taxes collected by such Tax Collector. The tax shall bear interest at the same rate for unpaid ad valorem property taxes until paid.

Section 15. The District's Vice Chancellor, Business Services shall, pursuant to Government Code Section 50075.3 file an annual report with the Board as provided herein accounting for the education tax revenues collected and the manner in which they have been spent.

Section 16. Subject to two-thirds voter approval and prior to adoption of a resolution levying the qualified special tax in any given year, this Board shall conduct a public hearing on the matter. Notice of the time, date, and place of hearing shall be published pursuant to California Government Code Section 54954.4(b)(1). Following said hearing this Board may adopt a resolution fixing the amount of tax to be raised and the rates for each type of property. Any tax levied shall become a lien upon the properties against which taxes are assessed and collectible.

Section 17. The officers of the District are, and each of them acting alone is, hereby directed to take such other actions and to execute such other documents as are necessary to carry out the purposes of this Resolution.

Resolution No. 03-1213
July 31, 2012
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The foregoing Resolution was adopted by the Board of Trustees of the Chabot-Las Positas Community College District on July 31, 2012 by the following roll call vote:

AYES: Cedillo, Dvorsky, Gelles, Gin, Mertes, Mitzman, Vecchiarelli

NOES: None


ABSTENTIONS: None

ABSENT: None



President, Board of Trustees
Chabot-Las Positas Community College
District

ATTEST:



Secretary, Board of Trustees
Chabot-Las Positas Community College
District

EXHIBIT A
FORMAL NOTICE OF PARCEL TAX ELECTION

NOTICE IS HEREBY GIVEN to the qualified electors of the Chabot-Las Positas Community College District of Alameda County and Contra Costa County, California, that in accordance with the provisions of the Government Code of the State of California, an election will be held on November 6, 2012, at which election the following proposition shall be submitted to the qualified electors of the District and voted upon:

“To provide Chabot and Las Positas Community Colleges funds that cannot be taken by the state, ensure affordable quality education, prepare students for university transfer, maintain job training in healthcare, technology, public safety, and other areas, uphold core academics, and preserve student support services, shall Chabot-Las Positas Community College District levy \$28 dollars per parcel annually for six years with Citizens' Oversight, no money for permanent salaries, and all funds spent on local colleges?”

The Alameda County Registrar of Voters and the Contra Costa County Registrar of Voters, by this Notice of Election, has called the election pursuant to a Resolution of the Board of Trustees of the Chabot-Las Positas Community College District, adopted July 31, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand this day, August __, 2012.

ALAMEDA COUNTY SUPERINTENDENT
OF SCHOOLS

By: _____

EXHIBIT B

Chabot-Las Positas Community College District
NOTICE OF PUBLIC HEARING*

Please take notice that on Tuesday, July 31, 2012 at __ p.m., in the Chabot-Las Positas Community College District Board Room, _____, _____, California _____, the District's Board of Trustees will conduct a public hearing. The community college board will consider adopting a resolution proposing to establish a special tax to be submitted for voter approval on November 6, 2012, in an amount not to exceed \$28 per year (estimated annual collection of \$_____) for 6 years for a variety of educational programs, including maintaining math, science, writing and other core academic courses that prepare students to transfer to four-year colleges and universities; preserving job training programs.

* This notice shall be in the form of a display advertisement of at least one-eighth paper in a newspaper of general circulation once a week for three weeks in accordance with Government Code 6063 and by first-class mailing to persons who have so requested such notice.