June 6, 2018

Zoe Mirabile
City Clerk
City of Davis
23 Russell Blvd., Suite 1
Davis, CA 95616
(530) 757-5648
zmirabile@cityofdavis.org
www.cityofdavis.org

Re: Notice of Intent to Circulate a Petition

Dear Ms. Mirabile:

This letter and supporting attached document comprise our notice of intent to circulate a petition for a measure to be placed on the November 6, 2018 ballot, pursuant to California Elections Code Section 9202.

Accordingly, please accept this letter and supporting document as our filing requesting title and summary and any directions regarding any and all state and local rules relating to the publication, posting, and process for circulating the attached measure as a citizen initiative. Finally, please note that we have included within the attached, the text of the measure and a statement of purpose of the measure not exceeding 500 words for your consideration.

Respectfully Submitted by Registered Voters of the City of Davis:

Alan Fernandes
Bob Poppenga

Anoosh Jorjorian
Emily Lo

Jonathan Clay
Michelle Cabrera
FULL BALLOT TEXT

Section 1. Title.

This measure shall be known and may be cited as the “High Quality and Safe Public Schools Act of 2018.”

Section 2. Article 15.25 of Chapter 15 of the Davis City Code is hereby added to read as follows:

ARTICLE 15.25 HIGH QUALITY AND SAFE PUBLIC SCHOOLS ACT

15.25.010. FINDINGS.

The voters of the City of Davis make the following findings and resolve:

WHEREAS, the voters of the City of Davis (“City”) are committed to supporting the Davis Joint Unified School District (“District”) in its mission to offer high quality and safe public schools to all students within the District; and

WHEREAS, the voters believe that high quality and safe public schools includes fairly compensating its teachers and school employees and providing additional resources for public safety officers and emergency first responders to City schools and that securing adequate funding to meet that purpose provides numerous benefits and advantages to all of the residents of the City; and

WHEREAS, the City is widely regarded as a desirable community in which to live because of the Davis public schools and university town atmosphere; and

WHEREAS, homeowners enjoy consistently sustained home values as the median home price in the City is well over $600,000, making it one of the highest home values in the region; and

WHEREAS, California public schools have suffered from consistent underfunding, as the state ranks 42nd in per-pupil funding across the nation and the voters of the City are empowered to do something about that by supporting this local funding measure, which will prepare the City’s students for college and career pathways for 21st Century jobs, and ensure that all of the revenue from this measure will not be taken by the state but will instead be spent in Davis for the benefit of maintaining high quality and safe public schools; and

WHEREAS, California’s deficient public school funding allocation, the Local Control Funding Formula, provides even less per pupil funding to Davis public schools as compared to surrounding school districts and this funding shortfall disadvantages the District’s ability to maintain competitive compensation for its teachers and school employees; and
WHEREAS, the ability to maintain competitive compensation for its teachers and school employees ultimately affects the ability to maintain high quality schools thereby impacting the welfare of the City’s residents; and

WHEREAS, the safety of our students is an integral part of high quality schools, and additional funding to increase the presence and response from our public safety officers and emergency first responders is necessary to ensure the safety of the City’s school-aged children; and

WHEREAS, it follows from the California Supreme Court’s decision in California Cannabis Coalition v. City of Upland (2017) 3 Cal.5th 924, that Section 4 of Article XIII A and Section 2 of Article XIII C of the California Constitution and Sections 50075, 50076, 50077, 50079 and 53722 et seq. of the California Government Code authorizes a school district to have a special tax, upon approval of a majority (more than 50% percent) of the electorate voting on the measure, to levy a qualified special tax for specified purposes as stated herein; and

WHEREAS, the voters have successfully conducted a voter signature petition, as required by law, on the question of whether or not to request the City’s voters to authorize funding for the purposes identified below.

NOW, THEREFORE, THE VOTERS OF THE CITY OF DAVIS HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

To maintain high quality and safe public schools in the City of Davis (“City”) by supporting strong core academic programs in reading, writing, math, the arts and sciences, and attracting and retaining high performing teachers and educational staff by raising pay and increasing training, resources and classroom support, the City shall collect and the Davis Joint Unified School District (“District”) is hereby authorized to appropriate, as specified below, an annual $365 parcel tax, adjusted for inflation, raising approximately $6 million annually, with authorized exemptions for seniors and the disabled. None of the proceeds from this measure shall be used for contracted school administration and shall apply only to teachers and other school and public safety employees as specified.

Purpose

The purpose of the measure is to fulfill the City’s commitment to maintaining High Quality and Safe Public Schools, and the District’s commitment to attract and retain high quality teacher and school employees by raising pay to close a long-standing compensation gap that exists between what all District teachers and school employees are compensated as compared to teachers and school employees in surrounding communities and increasing resources for public safety support and response, by:

a) Prohibiting the use of these funds for top-level contracted administrators;

b) Prohibiting the use, or redirection, of these funds by the state of California;
c) Continuing resources to support reduced class sizes for elementary grades;

d) Continuing and increasing of elementary and secondary librarian services;

e) Continuing availability of school counselor, school nurse, other student support staff positions that support maintaining a safe school environment;

f) Providing supplemental staff training for classified and certificated and public safety employees; and

g) Increasing availability of school site safety and support staff, including public safety officers and emergency first responders.

15.25.020. TAX RATE.

Basis of Tax

By this parcel tax measure, the City seeks voter approval of a tax that shall be levied on all Parcels of Taxable Real Property in the City at a rate of Three Hundred and Sixty-Five Dollars ($365.00) per parcel (“Parcel Tax Rate”). The new level of parcel taxes, as provided in this measure, will be imposed commencing in the 2019-20 tax year, and each year thereafter.

To account for the impact of inflation on the cost of closing the compensation gap and maintaining the high quality and safe public schools supported by the education parcel tax, the Parcel Tax Rate as set forth above, shall be automatically adjusted annually, unless otherwise directed by the City and District, commencing as of the 2019-20 tax year, for inflation by the change in the "Consumer Price Index for all Urban Consumers California" published by the U.S. Department of Labor, Bureau of Labor Statistics. In the event this index is no longer published, the City and District shall adopt a comparable index of general price levels, as it shall reasonably determine.

“Parcel of Taxable Real Property” is defined as any unit of real property in the City that receives a separate tax bill for ad valorem property taxes from the Yolo County Treasurer-Tax Collector’s Office, as applicable, depending on parcel location. 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.

If more than one adjacent Assessor parcel constitutes a single parcel under the Subdivision Map Act (California Government Code section 66410 et seq.), then the parcel will be treated as a single Parcel of Taxable Real Property for purposes of the amount of tax due, and a claim for refund may be made by the property owner pursuant to the claim procedures outlined below.

15.25.030. TAX EXEMPTIONS.
Exemptions

Senior Exemption From Special Tax. An exemption from payment of the special tax may be granted on any parcel owned by one or more persons 65 years of age or over as of July 1 of each tax year, who occupies the parcel as a principal residence, upon application for exemption (“Senior Citizen Exemption”). Applications for such exemptions must be made and delivered to the City during the period from May 15 through June 15 (or the next regular business day thereafter) prior to the year the parcel tax is levied in accordance with the process established by the City.

Supplemental Security Income (SSI) Recipient Exemption From Special Tax. An exemption from payment of the special tax may be granted on any parcel owned by one or more persons receiving Supplemental Security Income (“SSI”) for disability, regardless of age, who occupies the parcel as a principal residence, upon application for exemption (“SSI Recipient Exemption”). Applications for such exemptions must be made and delivered to the City during the period from May 15 through June 15 (or the next regular business day thereafter) prior to each year the parcel tax is levied in accordance with the process established by the City.

Social Security Disability Insurance Exemption. An exemption from payment of the special tax may be granted on any parcel owned by one or more persons receiving Social Security Disability Insurance benefits (“SSDI”), regardless of age, who occupies the parcel as a principal residence, and 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, upon application for exemption (“SSDI Recipient Exemption”). Applications for such exemptions must be made and delivered to the City during the period from May 15 through June 15 (or the next regular business day thereafter) prior to each year the parcel tax is levied in accordance with the process established by the City.

Any Future Exemption Provided By Law. An exemption from payment of the special tax may be authorized by a future enacted state law and the City may apply those exemptions to this tax provided the City passes a resolution specifying the process for applying any newly permitted exemption.

Claim Procedures

With respect to all general property tax issues and billing matters within its jurisdiction, the Yolo County Tax Assessor, as applicable, or other appropriate County tax officials 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 determination of Senior Citizen exemption, SSI Recipient Exemption and SSDI Recipient Exemption, and any future exemptions provided by law and this measure, however, the decisions of the City shall be final and binding. In the latter case, a claim for a refund of the special tax shall comply with the following and any additional procedures as established by the City:
(a) All claims shall be filed with the City no later than one year after the date the tax was paid. The claimant shall file the claim within this time period and the claim shall be finally acted upon the City as a prerequisite to bringing suit thereon.

(b) Pursuant to Government Code section 935 (b) the claim shall be subject to the provisions of Government Code sections 945.6 and 946.

(c) The City shall act on a timely claim within the time period required by Government Code section 912.4.

(d) The procedure described herein, and any additional procedures established by the City shall be the exclusive claims procedure for claimants seeking a refund, reduction, or recomputation of the special tax. Whether any particular claim is to be resolved by the City or by the County shall be determined by the City, in coordination with the County as necessary.

15.25.040. TAX ALLOCATIONS, APPROPRIATIONS, AND ACCOUNTABILITY.

Appropriations Limit

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

Allocation of Tax Proceeds

Notwithstanding any other provision of law, or this measure, the proceeds of this tax measure shall be allocated and appropriated as follows:

(1) Seventy-Five percent (75%) of the annualized proceeds of this tax measure shall be directly allocated to and appropriated by the Davis Joint Unified School District for the primary purpose of raising pay and increasing compensation of all district teachers and school employees to close a long-standing compensation gap, as negotiated with all bargaining units. This increased compensation shall not include contracted administrators.

   a. Of the amount specified in paragraph (1) above, ten percent (10%) shall be deposited into a District Budget Stabilization Account.

   b. Funds may be withdrawn from the District Budget Stabilization Account for a budget emergency declared by the Governor, and such withdrawal shall not exceed an amount necessary to either equal the amount of the expenditure level that the District would otherwise receive from the State for the current fiscal
year, or when the account balance exceeds the amount of the District’s total General Fund balance.

(2) Twenty-Five percent of the annualized proceeds of this tax measure shall be directly allocated to and appropriated by the City of Davis for the primary purpose of hiring an additional school resource peace officer and increasing emergency first responders consistent with Chapter 13 of the City of Davis Municipal Code.

(3) Unpaid special taxes shall bear interest at the same rate as the rate for unpaid ad valorem property taxes until paid and shall be allocated and appropriated to the District and City in accordance with the percentages specified in paragraph (1) and (2) above.

Accountability Measures

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 City. No later than January 1 of each year while the tax is in effect, the City shall prepare and file with the District a report detailing the amount of funds collected and expended, and the status of any project authorized to be funded by this measure.

In addition, an independent Citizen’s Oversight Committee shall be appointed by the District and the City to ensure that the special tax proceeds collected pursuant to this measure are spent for their authorized purposes, and to report annually to the Board and Council and to the public regarding the expenditure of such funds at a noticed public hearing.

15.25.050. LEGAL AUTHORITY.

Severability

The voters hereby declare, and a majority of the voters approving this measure concur, that every section and part of this measure has independent value, and the City 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.

Protection of Funding

Current law forbids any decrease in State or Federal funding to the City because of the City’s adoption of a parcel tax. However, if any such funds are reduced because of the adoption of this parcel tax, then the amount of the special taxes will be reduced annually as necessary in order to restore such State or Federal funding.
Vote Requirement

The voters hereby declare that in accordance with the California Supreme Court’s decision in California Cannabis Coalition v. City of Upland (2017) 3 Cal.5th 924, that Section 4 of Article XIII A and Section 2 of Article XIII C of the California Constitution and Sections 50075, 50076, 50077, 50079 and 53722 et seq. of the California Government Code this citizen initiative special tax shall become effective upon approval of a majority (over 50% percent) of the electorate voting on the measure, to levy a qualified special tax for specified purposes stated above.

Home Rule

The authority to pass this measure is derived from the City’s home rule powers that are provided in Article XI, sections 7 and 11 of the California Constitution. The People of the City of Davis declare their intent that this citizen initiative be enacted, and the parcel tax be collected for the entire uninterrupted time period described herein, if this measure is approved by a simple majority of the voters pursuant to the California Supreme Court case of California Cannabis Coalition v. City of Upland (2017) 3 Cal.5th 924. To the extent that the California Constitution or state law is amended, on the same date as the passage of this measure, or after, to change or create additional voting requirements to implement or to continue to implement this measure, the People of the City of Davis declare their intent that such amendments should be applied prospectively only and not apply to, or in any way affect this measure.

Legal Defense

The People of the City of Davis desire this measure, if approved by the voters and thereafter challenged in court, be defended by the City and District. The People, by approving this measure, hereby declare that the proponents of this measure have a direct and personal stake in defending this measure from constitutional or statutory challenges to the measure’s validity or implementation. In the event the City fails to defend this measure, or the City fails to appeal an adverse judgment against the constitutionality, statutory permissibility or implementation of this measure, in whole or in part, in any court of law, the measure’s proponents shall be entitled to assert his, her or their direct personal stake by defending the measure’s validity and implementation in any court of law and shall be empowered by the People through this measure to act as agents of the People. The City and the District shall indemnify the proponents for reasonable expenses and other losses incurred by the proponents, as agents, in defending the validity and/or implementation of the challenged measure. The rate of indemnification shall be no more than the amount it would cost the City or District to perform the defense itself.