

VOTER'S PAMPHLET

MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)

Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

PACIFIC ELEMENTARY SCHOOL DISTRICT

M To improve the quality of education; replace deteriorating roofs; increase student access to computers and modern technology; replace aging portable classroom for pre-school children; and renovate the multi-purpose building for school and community use; shall the Pacific Elementary School District issue \$830,000 of bonds at legal interest rates, have an independent citizens' oversight committee, have NO money used for administrative salaries or taken by the state, and have all funds spent only on Pacific School?

FULL TEXT OF BALLOT MEASURE M

This proposition may be known and referred to as the Pacific Elementary School District General Obligation Bond of 2012, or Measure M

BOND AUTHORIZATION

By approval of this proposition by at least 55 percent of the registered voters voting on the proposition, the Pacific Elementary School District (the "District") shall be authorized to issue and sell bonds of up to \$830,000 in aggregate principal at interest rates below the legal limit, to provide financing for the specific school facilities projects listed in the Bond Project List attached hereto as Exhibit A-1, subject to all the accountability requirements specified below.

BOND PROJECT LIST

The Bond Project List attached to this resolution as Exhibit A-1 shall be considered a part of the ballot proposition and shall be reproduced in any official document required to contain the full statement of the bond proposition.

Approval of this Bond Measure (the "Measure") does not guarantee that the proposed project or projects in the District that are the subject of bonds under the Measure will be funded beyond the local revenues generated by the Measure. If state matching funds become available, they will be used for and applied to the Bond Project List as per Exhibit A-1.

The school district's proposal for the project or projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

ACCOUNTABILITY REQUIREMENTS

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers in the District may be assured that their money will be spent wisely to address specific facilities needs of the District all in compliance with the requirements of Article XIII A, Section 1(b)(3), of the State Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following.)

Evaluation of Needs. The Board has prepared an updated facilities plan in order to evaluate and address all of the facilities needs of the District. The Board hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List contained in Exhibit A-1.

Independent Citizens' Oversight Committee. The Board shall establish an Independent Citizens' Oversight Committee pursuant to Education Code Section 15278 and following to ensure bond proceeds are expended only on the school facilities projects listed in Exhibit A-1. The committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board.

Performance Audits. The Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in Exhibit A-1.

Financial Audits. The Board shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed in Exhibit A-1.

Special Bond Proceeds Account: Annual Report to Board. Upon approval of this proposition and the sale of any bonds approved, the Board shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent of the District shall cause a report to be filed with the Board annually stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent shall determine and may be incorporated in the annual budget, audit, or another appropriate routine report to the Board.

FURTHER SPECIFICATIONS

No Administrator Salaries. Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction and/or rehabilitation of school facilities including the furnishing and equipping of school facilities or acquisition or lease of real property for school facilities and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

The proceeds of the bonds will be deposited into a Building Fund to be held by the Santa Cruz County Treasurer, as required by the California Education Code.

EXHIBIT A-1

BOND PROJECT LIST

The specific school facilities projects to be funded at Pacific School include, but shall not be limited to:

- Replace 34 year old deteriorating roofs
- Increase student access to computers and modern technology
- Renovate the 62 year old community center/multi-purpose building, currently leased for use as the Teen Center, for school and community use
- Replace aging portable pre-school classroom that is now 49 years old

Miscellaneous District Projects

- Abate and remove hazardous materials identified prior or during construction.
- Address unforeseen conditions revealed by construction/modernization (such as plumbing or gas line breaks, dry rot, seismic, structural, etc.).
- Other improvements required to comply with existing building codes, including the Field Act, and access requirements of the Americans with Disabilities Act.
- Necessary site acquisition and preparation/restoration in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines (such as gas lines, water lines, electrical lines, sewer lines, and communication lines), trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property.
- Rental or construction of storage facilities and other space on an interim basis, as needed to accommodate construction materials, equipment, and personnel, and interim classrooms (including relocatables) for students and school functions or other storage for classroom materials displaced during construction.
- For any project involving rehabilitation or renovation of a building or the major portion of a building, the District shall be authorized to proceed with new replacement construction instead, if the Board of Trustees determines that replacement and new construction is more economically practical than rehabilitation and renovation, considering the building's age, condition, expected remaining life, and other relevant factors.
- All work necessary and incidental to specific projects described above, including demolition of existing structures.

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TAX RATE STATEMENT FOR BOND MEASURE M

An election will be held in the Pacific Elementary School District (the "District") on November 6, 2012 to authorize the sale of \$830,000 in general obligation bonds. The following information is submitted in compliance with Sections 9400-9404 of the California Elections Code.

The best estimate of the tax rate that would be required to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$.0300 per \$100 (\$.0300 per \$100,000) of assessed valuation in fiscal year 2013-14.

The best estimate of the tax rate that would be required to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$.0300 per \$100 (\$.0300 per \$100,000) of assessed valuation in fiscal year 2013-14.

The best estimate of the highest tax rate that would be required to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is \$.0300 per \$100 (\$.0300 per \$100,000) of assessed valuation.

These estimates are based on projections derived from information obtained from official sources. The actual tax rates and the years in which they will apply may vary depending on the timing of bond sales, the amount of bonds sold at each sale and actual increases in assessed valuations. The timing of the bond sales and the amount of bonds sold at any given time will be determined by the needs of the District. Actual assessed valuations will depend upon the amount and value of taxable property within the District as determined in the assessment and the equalization process.

Dated: July 11, 2012

s/ Eric V. Bitter, Superintendent/Principal
Pacific Elementary School District

IMPARTIAL ANALYSIS BY COUNTY COUNSEL MEASURE M

If approved by at least fifty-five percent of those persons voting, this measure would authorize the Pacific Elementary School District (the "District") to issue bonds in a maximum aggregate principal amount not exceeding \$830,000. The bonds would constitute an indebtedness of the District.

The money raised through the sale of the bonds may only be used by the District for the purposes stated in the full text ballot proposition and not for teacher or administrator salaries, operating expenses, or other unstated purposes. To ensure that the bond monies are expended for the approved purposes, the Board of Trustees of the District will cause annual, independent performance and financial audits to be conducted, and it will also appoint a citizens' bond oversight committee.

The improvements and projects shown in the full text ballot proposition for Measure M would be accomplished to the extent possible, depending upon costs and other funding sources.

The interest paid on the bonds and their terms to maturity will be limited by State law.

Payment of interest and principal relating to the bonds would be financed by a tax levied on real property within the District, based upon each parcel's assessed value. The Tax Rate Statement for Measure M which is printed in this ballot pamphlet provides information about that tax.

A "yes" vote on Measure M is a vote to authorize the bonds to be issued and financed by ad valorem taxes levied on real property in the Pacific Elementary School District.

A "no" vote on Measure M is a vote against issuing the proposed bonds.

DANA McRAE, COUNTY COUNSEL
By Jane M. Scott
Assistant County Counsel

ARGUMENT IN FAVOR OF MEASURE M

Everyone knows the importance and value of having quality schools. From higher achieving students, to greater neighborhood safety and improved property values, quality schools make a difference. While our teachers and staff do their best in educating our children, many classrooms and school facilities at Pacific Elementary School are outdated and inadequate to provide students with the facilities they need to succeed. This is why our students need your **YES vote on Measure M!**

Although Pacific Elementary School has been well maintained over the years, aging classrooms and facilities must be upgraded since many do not meet 21st century standards. Many of the buildings our children use are between 30-60 years old! Measure M would allow the District to improve our school and the quality of education provided to local students. By investing in our school, we can meet today's safety, technological, and educational standards and better our community.

Measure M will provide funding at Pacific Elementary School by:

- Replacing 34-year-old deteriorating roofs
- Increasing student access to computers and modern technology
- Renovating the 62-year-old multi-purpose building for school and community use
- Replacing an aging portable pre-school classroom that is now 49 years old

Measure M makes financial sense and protects taxpayers.

- All funds must be spent locally and cannot be taken by the State.
- By law, spending must be reviewed and annually audited by an independent citizens' oversight committee.
- Funds can only be spent to improve Pacific Elementary School, not for teacher or administrator salaries.

Measure M upgrades and renovates old and inadequate school facilities, improves the education of local children, and maintains the quality of our community. That's something we can all support. Please join us and VOTE YES ON MEASURE M!

s/ Don Crou
Resident, Member Pacific School Site Council

s/ Rebecca Herman
Resident Artist

s/ Jack Herman
former Pacific Elementary School board trustee, handyman

s/ Ruth E. Jacobsen
LCSW, former board member, Professor SJSU

s/ Eric Bitter
Superintendent/Principal

NO ARGUMENT AGAINST MEASURE M WAS FILED.

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CITY OF WATSONVILLE

R Shall the City impose upon and collect a rent control fee from persons occupying a space in a mobile home park to partly reimburse the City for the cost of defending challenges to its mobile home rent control ordinance and allow a person occupying space in a mobile home park to recover attorney's fees as additional damages from a person who demands or receives rent in excess of that allowed by the Mobile Home Rent Control Ordinance?

FULL TEXT OF BALLOT MEASURE R

FORM OF ORDINANCE BY THE VOTERS OF THE CITY OF WATSONVILLE AMENDING CHAPTER 3 (MOBILE HOME PARK RENT STABILIZATION) OF TITLE 11 (MOBILE HOMES AND PARKS) OF THE WATSONVILLE MUNICIPAL CODE BY AMENDING ARTICLE 3 (SURCHARGES) AND ADDING A NEW ARTICLE 8 (EXCESSIVE RENTS AND PAYMENTS)

Amends Resolution Numbers 1018-96 (CM) and 1152-02 (CM)

THE PEOPLE OF THE CITY OF WATSONVILLE, CALIFORNIA, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. ENACTMENT.

Chapter 3 (Mobile Home Park Rent Stabilization) of Title 11 (Mobile Homes and Parks) of the Watsonville Municipal Code is hereby amended by amending Article 3 (Surcharges) and adding a new Article 8 (Excessive Rents and Payments).

Article 3 (Surcharges) of Chapter 3 (Mobile Home Park Rent Stabilization) of Title 11 (Mobile Homes and Parks) of the Watsonville Municipal Code is hereby amended by adding Sections 11-3.325 through 11-3.329 to read in words and figures as follows:

ARTICLE 3. Surcharges

Sec. 11-3.325 Rent control fee.

"Rent Control Preservation Fee," "Rent Control Fee" or "Fee," as used in Sections 11-3.325 to 11-3.329, means a charge upon persons occupying a space within a "Mobile Home Park," as defined in Section 11-1.03 of the Watsonville Municipal Code, for the privilege granted by this Chapter of receiving the specific rent stabilization benefits conferred by this Chapter.

Sec. 11-3.326 Collection.

The Rent Control Fee is to be paid to the City monthly, collected from the Homeowners by the Park Owner with the monthly rent, prorated if necessary, from every occupied mobile home space except those spaces that are excluded from paying the Fee under subsection 11-3.327. This Fee shall be deemed a debt owed by the Homeowner to the City. Any such Fee that has been collected by a Park owner, which has not been paid over to the City, shall be deemed a debt owed to the City. Park owners are not required to pay the Fee to the City for spaces occupied by Homeowners who fail to pay the fee to the Park owner and failure to pay the Fee shall not be grounds for a Mobile Home Park rule violation or grounds for eviction under Civil Code Section 798.56 (a) or (e). Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City of Watsonville for the recovery of such amount.

Sec. 11-3.327 Excluded spaces.

Only Homeowners occupying spaces that receive the specific rent stabilization privileges granted and benefits conferred by this Chapter shall be assessed this Rent Control Fee. Persons occupying spaces that are excluded from the rent stabilization privileges granted and benefits conferred by this Chapter, either through state law or otherwise, shall not be charged this Rent Control Fee.

Sec. 11-3.328 Purpose and limitation on use.

The purpose of the Fee is to partly reimburse the City for the reasonable costs of conferring the benefits and privileges provided by this Chapter to the benefit of the

mobile home owners who are collectively paying the Fee. These costs shall be strictly limited to, the costs defending the rent control provisions of this Chapter from litigation challenging them; the costs of defending the administrative decisions of the City that would preserve the application of the rent control provisions of this Chapter to Mobile Home Parks sought to be converted to subdivided lots or other uses that would result in the loss of the rent stabilization benefits and privileges conferred by this Chapter; and providing grants to mobile home park homeowners' associations, or legal service

providers, to partly cover the costs of providing the legal services necessary for enforcing their rights in administrative proceedings under this Chapter. All monies collected by the City through this Rent Control Fee.

Sec. 11-3.329 Amount of the fee.

For the first year of implementation, the Fee shall be set in the amount of \$5.00 per month as soon after the effective date of the implementing ordinance as is practicable. The Fee shall be increased automatically each year by the amount of the increase of the Consumer Price Index.

Chapter 3 (Mobile Home Park Rent Stabilization) of Title 11 (Mobile Homes and Parks) of the Watsonville Municipal Code is hereby amended by adding Article 8 (Excessive Rents and Payments) to read in words and figures as follows:

ARTICLE 8. Excessive Rents and Payments

Sec. 11-3.800 Excessive rents or demands therefor.

It shall be unlawful for a park owner to demand, accept, receive, or retain any rent in excess of the amounts authorized by this Chapter.

Sec. 11-3.810 Excessive rents- Civil penalties and attorney's fees recovery.

(a) If any person is found to have demanded, accepted, received or retained any payment of rent in excess of the maximum rent allowed by this chapter, such person shall be liable to the mobile home owner or mobile home tenant from whom such payment was demanded, accepted, received, or retained for damages as determined by a court of competent jurisdiction.

(b) In the event a mobile home owner or mobile home tenant is the prevailing party in a civil action against a person found to have demanded, accepted, received or retained any payment of rent described in subsection (a) of this section, such mobile home owner or mobile home tenant, in addition to damages as determined by the court pursuant to subsection A of this section, may, in the discretion of the court, be awarded an amount not to exceed five hundred dollars or three times the damages determined by the court pursuant to subsection (a) of this section, whichever is greater and they shall also be awarded their reasonable attorneys' fees and costs. For the purposes of this subsection, a mobile home owner or mobile home tenant shall be deemed to be a prevailing party if the judgment is rendered in such mobile home owner's or mobile home tenant's favor or if the litigation is dismissed in such mobile home owner's or mobile home tenant's favor prior to final judgment, unless the parties otherwise agree in the settlement or compromise.

SECTION 2. PUBLICATION.

This ordinance shall be published in the Watsonville Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville.

SECTION 3. SEVERABILITY.

If any provision of these Sections or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provision or applications of the Article which can be given effect without the invalid provision or application, and to this end the provision of these Sections are severable.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall be in force and take effect ten (10) days after the City Council declares the vote of the November 6, 2012, Presidential General Election pursuant to California Election Code Section 9217.

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IMPARTIAL ANALYSIS BY CITY ATTORNEY
MEASURE R

Watsonville voters adopted a Mobile Home Rent Stabilization Ordinance at the November 1996 election. Mobile Home owners now propose to impose a monthly charge upon themselves to be used by the City to help pay to defend the cost to defend legal challenges to the Ordinance. The cities of Goleta, Fremont, Santa Cruz and Capitola, among others have incurred extraordinary legal expense in recent years when sued by persons challenging the legal validity of their ordinances. In each case the city won the lawsuit but spent hundreds of thousands of dollars in legal fees. The effect has been to make it too expensive for cities to have mobile home rent control. This measure is intended to help solve that problem. This measure helps defray legal expenses by collecting a \$5.00 Rent Control Fee for every occupied mobile home space except a space where a park owner owns a mobile home.

This charge would only be imposed on spaces in a mobile home park subject to rent control. This measure does not apply to those living in homes or apartments. There are approximately 985 rent controlled mobile home spaces in the City of Watsonville so the annual amount expected to be available for defense costs is about \$59,100.00 (985 spaces x \$5.00/space/month x 12 months). The amounts collected may only be used to pay for the costs of defending the rent control provisions of the Watsonville Mobile Home Rent Stabilization Ordinance from lawsuits and administrative proceedings challenging them.

Under existing law it is difficult for individual tenants in mobile home parks to recover excessive rent charged them for occupying space in a mobile home park. This is because the cost of obtaining legal assistance often exceeds the recovery.

This measure would also allow a mobile home park tenant to recover attorney's fees as additional damages if the tenant claims a park owner demanded, accepted, received or retained rent more than allowed by the Watsonville Mobile Home Rent Stabilization Ordinance and wins his or her case in court. This measure would in such cases also allow a court discretion to award the tenant three times actual damages, not to exceed \$500.00.

ARGUMENT IN FAVOR OF MEASURE R

The City of Watsonville has a **Mobile Home Rent Stabilization Ordinance** approved by Watsonville voters in 1996. Because this measure was originally approved by voters, any changes to the same must also be approved by the voters.

The Rent Stabilization Ordinance has created improved living conditions for the residents of mobile home parks since park owners must have rent increases pre approved by the City after a financial analysis. This gives the residents ample notice and the ability to question claims that may be contained in the analysis.

Throughout the State, Rent Stabilization Ordinances continue to be under attack and Cities must spend precious General Fund resources defending these ordinances in court. In Watsonville, mobile home residents have approached the City and indicated that they are interested in paying \$5 per month in order to help pay to defend legal challenges to this ordinance. Residents understand that this ordinance protects them and their families, and they would like to continue seeing it enforced.

- Only mobile home residents will be subject to paying this fee.
- This measure does not penalize a resident for failing to pay the \$5.
- This measure will raise approximately \$59,000 per year for legal costs.

This measure will also allow a mobile home park tenant to recover attorney's fees under certain circumstances. The court would have discretion to award damages, not to exceed \$500.00.

Mobile home residents urge the Watsonville community to help them by voting YES on this measure.

s/ Frederick A. Martinez*
Portola Heights Mobile Park

s/ Jose Luis Rocha
Green Valley Village

s/ Bruce Nichols

s/ Margaret "Marged" McNeeley*
Green Valley Village Mobile Home Park

s/ William Neighbors
Mobile Home Resident

*Signing on behalf of the organization listed below the name.

NO ARGUMENT AGAINST MEASURE R WAS FILED.