

Legal Issues Associated with a Parcel Tax Measure for a School District

What Can a Public Agency and its Employees do?

By law a public school district cannot use public funds or other resources in an election campaign. The District can provide objective information on ballot measures but cannot advocate for or against them.

- What is the difference between "information" and "advocacy"?

Purely informational materials present a fair and balanced presentation of the relevant facts. Advocacy materials explicitly urge the election or defeat of a candidate or ballot measure.

The following questions and answers will attempt to clarify what District employees may and may not do.

1. May the District use District funds to hire a political consultant to determine the overall feasibility of a parcel tax measure?

👍 **Yes.** The District may conduct research into the need for a parcel tax and draft a proposal for the ballot measure because the action is not taken to attempt to influence voters. Prior to a Board resolution the District may:

- Research the need for the parcel tax
- Draft the parcel tax resolution
- Evaluate the public's awareness of the District's financial needs
- Conduct polling
- Assess the overall feasibility of passing a bond measure

2. May the District use public funds to finance a parcel tax campaign?

👎 **No.** Funding for a parcel tax initiative may not come directly nor indirectly from public funds. Once the Board of Education passes a resolution calling for an election, management of the parcel tax initiative process is undertaken by a campaign committee independent of the District.

3. May the Board of Education officially endorse the parcel tax?

👍 **Yes.** A Governing Board may go on record in support of a parcel tax. Its decision must be made in a regular meeting open to the public.

4. May individual Board members solicit contributions in support of the parcel tax from District vendors?

👍 **Yes.** It is not a conflict of interest for an elected official to solicit or receive a campaign contribution from a vendor. However, public

resources must not be used in these solicitations.

5. May a District employee use public resources to support the parcel tax?

👎 **No.** A District employee may not use public resources to engage in any campaign activity. "Public resources" include any property owned by the District, including buildings, facilities, funds, equipment, telephones, supplies, computers, vehicles and travel.


An exception is permitted only if an employee association has scheduled a meeting through the Civic Center Use Permit process with the, date, time and room location specified. Any activity is limited to the approved specifics of the permit.

A DISTRICT EMPLOYEE MAY NOT:


- Place campaign literature on District-provided bulletin boards
- Make public appearances speaking for or against a ballot measure during compensated work hours
- Walk precincts, draft campaign ads or perform other campaign tasks during compensated work hours
- Use District copy machines, fax machines, computers or paper for campaign purposes
- Urge other District employees to vote for or against a ballot measure during compensated work hours
- Solicit campaign contributions from colleagues on District time
- Use District funds to attend a fundraiser in support of the parcel tax

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6. May the District add a link from the District's web site to a parcel tax campaign web site?

 **No.** Using the District-sponsored web site would be an inappropriate expenditure of public resources. Campaign materials may not be distributed through the District's internal or electronic mail system.


7. May a District employee publicly support the parcel tax?

 **Yes.** While a District employee may not engage in political activity during work hours and while on public property, the employee may work on the parcel tax campaign at a non-district location during personal time, lunch hours, coffee breaks, vacations, etc.


8. May a District employee respond to telephone calls, letters and e-mails about the parcel tax while on District time?

 **Yes.** However, the response must be limited to (1) stating that the District has either endorsed or opposed the parcel tax and (2) presenting fair and impartial information about the parcel tax.


9. May a District employee analyze the effect of the parcel tax and publicize the information?

 **Yes.** The District can use public resources to objectively evaluate the impact of the parcel tax. The results of a fair and impartial analysis may be made available to the newspapers, advocacy groups and others who may make use of the information as they choose. Public funds must only be used for materials which are strictly informational.


10. May a District employee present the District's position on the parcel tax at local organizations, such as a Chamber of Commerce?

 **Yes.** However, the employee must present fair and impartial information on the measure. It is good practice to use a prepared and approved script that may be used each time the presentation is made.


11. Can and where do I direct individuals if they want to learn more about the Parcel Tax?

 **Yes.** Individuals can learn more about the parcel tax by contacting schoolmeasure@gmail.com.

12. May a District employee solicit or accept campaign contributions on District time?

 **No.** Employees cannot accept contributions for the campaign. All contributions should be sent directly to the campaign at CUES (Community United for Excellent Schools).

FOR ADDITIONAL INFORMATION

 **To learn more about the parcel tax**

CONTACT:

Committee for Excellent Schools (CUES)
(FPPC#1301210)

e-MAIL: CUES@gmail.com or
schoolmeasure@gmail.com

Phone: (925) 202-3178

Mailing Address: 2421 Cascade Drive
Walnut Creek, CA 94598