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AUSD Wins Lawsuit Challenging Measure A

Judge Rules Measure A Parcel Tax Structure is Legal

Alameda, Tuesday, September 13, 2011 – Judge Frank Roesch of the Alameda County Superior Court has ruled decisively for AUSD and has dismissed the legal challenge to Measure A filed last spring by parcel tax opponents. At the conclusion of a hearing this morning to decide the merits of the case, Judge Roesch rejected all of the Plaintiffs' claims, dismissed their petition and found that the structure of Measure A is uniformly applied and legal under state law. Judge Roesch will issue a written order following his ruling at today's hearing.

Plaintiffs in the *Nelco, Inc. et al v. Alameda Unified School District* case had sought to overturn Measure A, the parcel tax supporting Alameda schools that was passed by 68% of Alameda voters in March 2011.

In rejecting all of the Plaintiffs' claims, the court upheld the legality of Measure A's structure, including its maximum tax per parcel, sometimes referred to as a "cap." The court also affirmed the legality of the exemptions for senior citizens and SSI recipients provided for in Measure A.

In 2010 AUSD also won two similar lawsuits (*Beery et al v. Alameda Unified School District* and *Borikas et al v. Alameda Unified School District*) that challenged Measure H, a previous parcel tax that in 2008 was also passed by more than two-thirds of voters. Measure A has now replaced Measure H. Although the litigation over Measure H was heard by a different judge than the current case, in 2010 Alameda County Superior Court Judge Kenneth Mark Burr reached the same legal conclusion that Judge Roesch reached this morning, that AUSD's parcel tax is uniformly applied and is legal. Last year, plaintiffs in *Borikas et al v. Alameda Unified School District* appealed Judge Burr's decision. That appeal is still pending.

"On behalf of all of our students and all the citizens from all across Alameda who worked so hard to pass Measure A, I am thrilled with Judge Roesch's decision," stated Superintendent Kirsten Vital. "His ruling is a victory for the entire Alameda community. With the secure local funding provided by Measure A, we have a much greater ability than most school districts in California to chart our own path forward. We are grateful for how strongly Alameda came together last year in very difficult times and appreciate how many opportunities lie ahead for our students due to the generosity and support of so many in Alameda. This is a truly great day for children in Alameda."