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Lawsuit Challenging Measure H Parcel Tax On Hold as Alameda Unified School District (AUSD) and Plaintiffs Work Toward Possible Resolution of the Litigation

Alameda, Friday, August 14, 2009 - Attorneys representing the Alameda Unified School District (AUSD) and John Beery, lead plaintiff in the lawsuit challenging Measure H, met before Judge Kenneth Mark Burr in open court yesterday to discuss working toward a potential resolution of the litigation. Attorneys for George Borikas, plaintiff in a second suit challenging Measure H was also in attendance.

Judge Burr vacated the trial date to give both parties time to work on terms of a possible resolution.

AUSD and Beery have come to a basic agreement to form a committee to work collaboratively in an effort to develop a new parcel tax to replace Measures A and H. While the details have not been worked out, both parties may set a goal of putting the replacement parcel tax on the June 2010 ballot.

“I am very pleased that we are moving forward to possibly resolve this case,” said Superintendent Kirsten Vital.

“My guiding priority in any negotiation is to ensure our schools get the funding they count on to provide an enriching and quality education for every student.”

Alameda voters passed Measure A in 2005 and Measure H was passed in 2008. Both parcel taxes provide more than \$7 million in critical school funding to offset drastic State budget cuts. These parcel tax funds support programs such as AP courses, music, athletics, and smaller class sizes.

On December 17th, the parties will come back before Judge Burr, to demonstrate they are making progress on the terms of the resolution. If Judge Burr determines sufficient progress has not been made, he will put the case back on the court calendar for trial.

At this time, George Borikas, the plaintiff in the 2nd suit against Measure H, has made a different settlement proposal to the District and has declined to participate in the plan crafted by Beery and the District.

“It is regrettable that the Borikas plaintiffs have chosen not to participate in this resolution,” said Superintendent Kirsten Vital.

The Board of Education will review the proposed resolution plan at their September 8, 2009 Board meeting.