

FILED

MAR 08 2018

Resolution No. 2018-017

By ~~FRESNO COUNTY CLERK~~ DEPUTY

MAR 8 AM 10:56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KINGSBURG CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON JUNE 5, 2018 TO PRESENT TO VOTERS A MEASURE TO LEVY A PUBLIC SAFETY TRANSACTIONS AND USE TAX OF THREE-FOURTHS OF ONE PERCENT, AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; REQUESTING CONSOLIDATION THEREOF WITH THE STATEWIDE ELECTION TO BE HELD ON THE SAME DATE; AND REQUESTING THAT THE FRESNO COUNTY BOARD OF SUPERVISORS AUTHORIZE THE FRESNO COUNTY CLERK TO RENDER SPECIFIED SERVICES TO THE CITY OF KINGSBURG RELATING TO THE CONDUCT OF THE GENERAL MUNICIPAL ELECTION

WHEREAS, current City of Kingsburg ("City") funding is inadequate to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment; and

WHEREAS, in order to address these issues, the City Council has expressed the need to place a local funding measure on the ballot at the statewide election on June 5, 2018; and

WHEREAS, Section 10002 of the Elections Code of the State of California provides that the governing body of the City may by resolution request the board of supervisors of the county to permit the county clerk to render specified services to the City relating to the conduct of elections; and

WHEREAS, the City Council desires to call such election and request its consolidation with the statewide election to be held on the same date and have the Fresno County Clerk perform specified election services to the City; and

WHEREAS, the Transaction and Use Tax will be a special tax, the revenue of which will be placed in a dedicated fund and will be used for hiring additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment; and

WHEREAS, all funds from a locally approved tax cannot be taken by the State of California and must stay in the City to benefit local residents; and

WHEREAS, if the "City of Kingsburg Public Safety Measure" is approved, the City Council wishes to prioritize funding for public safety purposes; and

WHEREAS, the proposed urgency ordinance includes strict accountability provisions, such as a citizens' oversight committee, an annual expenditure report, and a ten (10) year sunset clause to ensure every cent is used effectively, efficiently, and as promised to the voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KINGSBURG DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. MEASURE TO BE VOTED ON AT GENERAL MUNICIPAL ELECTION

a. Ballot Language.

That the City Council pursuant to its right and authority, does order submitted to the voters at the General Municipal Election on June 5, 2018, the following question:

KINGSBURG PUBLIC SAFETY MEASURE: To generate approximately \$940,000 annually for ten years to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment, shall the City of Kingsburg enact a 1 cent sales tax, requiring a citizens' oversight committee and annual reporting of expenses, with all funds generated staying in the City of Kingsburg?

YES

NO

The measure shall be designated on the ballot by a letter, as provided in California Elections Code Section 13116.

b. Proposed Ordinance.

The full text of the ordinance authorizing the transactions and use tax to be approved by the voters, entitled "An Urgency Ordinance of the City of Kingsburg, California Enacting a Public Safety Transactions and Use Tax to be Administered by the California Department of Tax and Fee Administration Upon Adoption by the Voters," is attached as Exhibit "A" to this Resolution. The full text of the urgency ordinance shall be printed in the Voter Information Pamphlet.

c. Form of the Measure

The exact form of the measure is as specified in Section 1(a) of this Resolution.

d. Passage of the Measure

The transactions and use tax is a special tax requiring the approval of a 66.66% of the votes cast by qualified electors of the City voting in the election on the issue.

e. Publication of Measure

The County Clerk is hereby directed to cause notice of the measure to be published in accordance with California Elections Code Section 12111.

f. Letter Designation

This measure shall be designated by letter by the Fresno County Clerk. The City will request the measure be identified as "Measure "P."

SECTION 2. IMPLEMENTATION

The City Clerk is authorized and directed to perform all acts necessary or required by law to implement this Resolution and related to the election, including, without limitation, the following:

- a. The ballots to be used at the election shall be in form and content required by law.
- b. Pursuant to Section 10002 of the Elections Code of the State of California, the City requests the Boards of Supervisors of the County of Fresno to permit the Fresno County Clerk to render specified services to the City relating to the election.
- c. The Fresno County Clerk is authorized and directed to do any and all things necessary in order to ensure the lawful conduct of the election.
- d. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding elections in the City of Kingsburg that are consolidated with any other election.
- e. Notice of time and place of holding the election is given and the Fresno County Clerk is authorized and directed to give such further or additional information in the time, form and manner as required by law in connection with the election.
- f. Pursuant to Section 10403 of the Elections Code of the State of California, the Board of Supervisors of the County of Fresno is hereby requested to consolidate the election referred to herein with the statewide election to be held on Tuesday, June 5, 2018.
- g. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 3. ELECTION EXPENSES

For and in consideration of the election services rendered by the Fresno County Clerk, the City agrees to pay to Fresno County the proportionate share of reasonable expenses of said election, said share to consist of all direct costs as determined by the Fresno County Clerk to be directly related to the conduct of the City of Kingsburg's general municipal election together with the City's proportionate share of the expenses for election services rendered by Fresno County that are being shared equally with other jurisdictions, if any, by virtue of the consolidation of the City's municipal election with the elections being held by other jurisdictions, if any, in the City of Kingsburg on June 5, 2018.

SECTION 4. CEQA

The adoption of this Resolution is exempt from the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 et seq. ("CEQA Guidelines"). The calling and noticing of a General Municipal Election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines Section 15378. The transactions and use tax submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Kingsburg hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 6. IMPARTIAL ANALYSIS

The impartial analysis of Measure ____ to be placed in the Voter Information Pamphlet shall read as follows:

“The City Council of the City of Kingsburg voted unanimously to place Measure ____ on the June 5, 2018 ballot seeking voter approval of a 1 cent transactions and use (sales) tax. The tax would add \$1.00 to the purchase price of an item that costs \$100.00.

The City estimates that Measure ____ could generate approximately \$940,000 each year to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment. This sales tax is a special tax, meaning revenues raised from the sales tax will go into a dedicated fund to be used

The Council has identified a policy for the use of proceeds from the tax to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment. The creation of a Citizens’ Oversight Committee and the preparation of annual expenditure report will ensure the funds are used for these purposes.

The tax will be paid in addition to current sales taxes and will be collected at the same time and in the same manner as existing sales taxes. By law, all revenues raised by Measure ____ will belong to the City of Kingsburg and cannot be taken by or shared with the State of California or any other agency.

A YES vote will authorize a 1 cent increase in the transactions and use (sales) tax to be used to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment.

A NO vote will not allow a 1 cent increase in the transactions and use (sales) tax to be used to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment.”

SECTION 7. SYNOPSIS OF THE MEASURE

The Synopsis of the Measure to be published at least one time not later than one week before the election in a newspaper of general circulation in the City shall read as follows:

“To generate approximately \$940,000 annually for ten years to hire additional police officers to increase crime suppression and prevention; bolster firefighter and paramedic staffing levels and 911 emergency services; and restore and replace out-of-date equipment, shall the City of Kingsburg enact a 1 cent sales tax, requiring a citizens’

oversight committee and annual reporting of expenses, with all funds generated staying in the City of Kingsburg?" This sales tax will be a special tax, meaning revenues raised from the sales tax will go into a dedicated fund to be used exclusively to pay for police, fire protection, emergency response services and restoration and replacement of equipment."

SECTION 8. EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption and shall supersede replace City Council Resolution No. 2018-010.

PASSED AND ADOPTED by the City Council of the City of Kingsburg this 7th day of March, 2018 by the following vote:

AYES: North, Smith, Dix, Blayney and Mayor Roman.
NOES: None.
ABSTAIN: None.
ABSENT: None.

APPROVED:



Michelle Roman, Mayor

ATTEST:



Abigail Palsgaard, City Clerk

APPROVED AS TO LEGAL FORM:



Mike Noland, City Attorney

