

BEFORE THE CITY COUNCIL
OF THE
CITY OF MENDOTA, COUNTY OF FRESNO

FILED
JUL 03 2018

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RESOLUTION NO. 18-42

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MENDOTA, CALIFORNIA:
(1) CALLING FOR AND ORDERING A GENERAL
MUNICIPAL ELECTION FOR THE PURPOSE
OF SUBMITTING TO VOTERS A BALLOT
MEASURE TO INCREASE THE SALES AND
USE GENERAL TAX; (2) REQUESTING THE
COUNTY ELECTIONS DEPARTMENT CONDUCT
THE ELECTION; AND (3) REQUESTING THE
COUNTY BOARD OF SUPERVISORS
CONSOLIDATE THE GENERAL MUNICIPAL
ELECTION WITH THE STATEWIDE GENERAL
ELECTION TO BE HELD ON NOVEMBER 6, 2018

WHEREAS, the City of Mendota (the "City") has a duty to provide for the health, safety and

WHEREAS, Section 7285.9 of the California Revenue and Taxation Code authorizes the City to levy or increase a sales and use tax for general purposes by ordinance following approval by two-thirds of the City Council and a majority vote of the qualified electors of the City voting in an election on the issue; and

WHEREAS, the funds provided from this increase will have strict accountability provisions such as annual independent audits; and

WHEREAS, the City Council desires to submit to the voters of the City of Mendota a ballot measure proposal to increase the existing rate of the Sales and Use Tax; and

WHEREAS, increase of the Sales and Use Tax requires adoption of an ordinance amending Section 3.12.020 of the Mendota Municipal Code defining the new rate to be 1.980%; and

WHEREAS, the increased Sales and Use tax is a general tax, the revenue of which will be placed in the City's general fund and be used to pay for essential City services; and

WHEREAS, the State Board of Equalization shall collect the tax from retailers subject to the tax and remit the funds to the City; and

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WHEREAS, any tax measure submitted to voters must be consolidated with a regularly scheduled general election for members of City Council except in cases of emergency as determined by a unanimous vote of the Council pursuant to article XIII C of the Constitution; and

WHEREAS, the City desires to conduct the General Purpose Sales and Use Tax Ballot Measure (the "Measure") through the next regularly scheduled general municipal election; and

WHEREAS, the subject Measure is referred to herein as the "Ordinance Increasing the Sales and Use Tax for General Municipal Purposes"; and

WHEREAS, Section 2.40.010 of the Mendota Municipal Code authorizes the general municipal election to be held on the same day as the statewide general election; and

WHEREAS, Section 10401 of the California Elections Code (the "Elections Code") authorizes the Fresno County Board of Supervisors to consolidate the general municipal election with the statewide general election scheduled for November 6, 2018; and

WHEREAS, the revenues raised by this tax are to be used for providing essential services that the City deems necessary such as improving local law enforcement and fire protection services and maintaining public roads and parks; and

WHEREAS, the City Council has held a public hearing after due notice regarding the proposed authorization of the qualified general tax.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mendota as follows:

SECTION 1. Pursuant to article XIII C, section 2(b) of the California Constitution, section 53724 of the Government Code, and section 9222 of the Elections Code, the City Council of the City of Mendota hereby calls and orders an election at which it shall submit to the qualified voters of the City, a measure relating to the increase of the City's sales and use tax.

SECTION 2. The City Council requests the Fresno County Board of Supervisors consolidate the election for this measure with the statewide general election on November 6, 2018, pursuant to section 10400 of the Elections Code and section 2.40.010 of the Mendota Municipal Code.

SECTION 3. At the next general municipal election scheduled for November 6, 2018, the following question shall be submitted to registered voters of the City of Mendota:

<p>MEASURE A</p> <p>ORDINANCE INCREASING SALES AND USE TAX FOR GENERAL MUNICIPAL PURPOSES</p> <p>To provide additional funding for city services, including, but not limited to, parks, roads, recreational opportunities, and public safety, shall the ordinance increasing the City's Sales and Use Tax from .980% to 1.980%, which will raise approximately \$500,000 annually be adopted?</p>	YES
	NO

SECTION 4. The following constitutes the synopsis of the measure to be voted on for purposes of meeting the publication requirements of section 12111 of the Elections Code:

MEASURE TO BE VOTED ON

Notice is hereby given that the following measure is to be voted on at the next general municipal election to be held in the City of Mendota, on Tuesday, the 6th day of November, 2018.

ADOPTION OF ORDINANCE APPROVING INCREASE OF TRANSACTIONS (SALES) AND USE TAX FROM CURRENT RATE .980% TO 1.980% FOR GENERAL MUNICIPAL SERVICES.

The proposed ordinance would approve the increase of the City's current sales and use tax rate (.980%) by one percent (1.980%). The funds raised through the one percent increase shall be dedicated to funding City services, including, but not limited to, parks, roads, recreational opportunities, and public safety. The authority to levy the tax would continue in perpetuity. The current sales tax ordinance would otherwise remain unchanged.

City Elections Official

Dated: _____
City of Mendota

SECTION 5. Passage of the measure requires a simple majority of votes from qualified voters of the City voting in the election.

SECTION 6. The City of Mendota requests that the Fresno County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City consents to reimburse the Registrar of Voters for all costs incurred by said services.

SECTION 7. The City of Mendota also respectfully requests that the letter designation "Measure A" be assigned to this Measure by the Registrar if such letter designation is available.

SECTION 8. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 9. Arguments in favor for or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar of Voters in accordance with sections 9282, 9283, and 9285 of the Elections Code. Mayor Rolando Castro and Mayor Pro Tempore Victor Martinez are authorized to prepare and file a written argument in favor of the proposed Measure, not to exceed 300 words, on behalf of the City Council. In the event that an argument is filed against the Measure, they are also authorized to submit a rebuttal argument on behalf of the City Council.

SECTION 10. The Fresno County Clerk/Registrar of Voters shall give the appropriate notices for the election and shall conduct the election pursuant to appropriate provisions of state law. The City of Mendota acknowledges that the Fresno County Clerk/Registrar may conduct the election in accordance with section 10418 of the Elections Code.

SECTION 11. The City Attorney shall prepare an impartial analysis of the measure in accordance with section 9280 of the Elections Code and file it with the Fresno County Clerk/Registrar of Voters.

SECTION 12. The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters as required by applicable law. The City Clerk is hereby authorized and directed to work with the Fresno County Clerk/Registrar of Voters and take all steps necessary to cause placement of the Measure on the ballot.

SECTION 13. The City Clerk and City Attorney are authorized to make any typographical, clerical, non-substantive corrections to this resolution as may be deemed necessary by the Fresno County Clerk/Registrar of Voters.

Victor Martinez, Mayor Pro Tem

ATTEST:

I, Matt Flood, City Clerk of the City of Mendota, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said Council, held at the Mendota City Hall on the 12th day of June, 2018, by the following vote:

AYES: 4 – Mayor Pro Tem Martinez, Councilors Mendoza, Rosales, and Silva.
NOES: 0
ABSENT: 1 – Mayor Castro.
ABSTAIN: 0

Matt Flood, City C

