

FILED

AUG 09 2018

RESOLUTION NO. 2407

CITY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER, COUNTY OF FRESNO, STATE OF CALIFORNIA, SUBMITTING AN INITIATIVE MEASURE FOR SALES TAX INCREASE TO THE VOTERS OF THE CITY AND CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION THEREON

AUG 9 '18 RCVD

WHEREAS, applicable provisions of the California Revenue and Taxation Code authorize the City to levy or increase a sales and use tax for general purposes by ordinance following approval by a majority vote of the qualified electors of the City voting in an election on the issue; and

WHEREAS, the voters of the City of Fowler have qualified for a ballot initiative, a one percent (1.0%) sales tax override, to be submitted to the voters of the City at the November 6, 2018, statewide general election; and

WHEREAS, in accordance with sections 1405 and 9215 of the Elections Code the City Council desires to submit to the voters of the City of Fowler an initiative ballot measure proposal to increase the existing rate of the Sales and Use Tax rate in the City of Fowler by one percent (1.0%) (hereinafter the "Measure"); and

WHEREAS, if the Measure is approved by the voters, 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 any general City services; and

WHEREAS, if the Measure is approved by the voters, the California Department of Tax and Fee Administration shall collect the tax from retailers subject to the tax and remit the funds to the City; 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 sales tax increase required by the Measure cannot be imposed without voter approval; and

WHEREAS, voter approval of the Measure increasing the City's sales tax rate will require an ordinance amending the Fowler Municipal Code defining the rate and more completely describing the Measure and details of the tax, which ordinance shall be prepared by the City Attorney so as to be enacted if the Measure is approved by the voters (hereinafter "Ordinance").

NOW, THEREFORE, the City Council of the City of Fowler hereby resolves as follows:

SECTION 1. Pursuant to article XIII C, section 2(b) of the California Constitution, section 53724 of the Government Code, and sections 1405 and 9215 of the Elections Code, the City Council of the City of Fowler hereby calls and orders an election at which the Measure relating to the increase of the City's sales and use tax shall be submitted to the qualified voters of the City.

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

SECTION 3. The City 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 4. At the next general municipal election scheduled for November 6, 2018, the following question shall be submitted to registered voters of the City of Fowler and shall be printed on the election ballot in the form set forth as follows:

Initiative Measure for Sales Tax Increase To generate approximately \$953,000 annually to build a new police station and restore or replace out-of-date police equipment. Revenues will also be used to fix city streets needing repair and to pay escalating pension obligations and other general fund obligations, with the remainder going to a reserve account. Shall the City of Fowler enact a 1 cent sales tax, requiring an annual reporting of expenses, with all funds generated staying in the City of Fowler?	YES
	NO

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

SECTION 6. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. Pursuant to section 12111 of the Elections Code, the City Council hereby directs the City Clerk, with the assistance of the City Attorney, to prepare a synopsis of the Measure and transmit the synopsis to the Fresno County Clerk/Registrar of Voters to be published in accordance with section 12111.

SECTION 8. The full text of the Measure submitted to the voters, and the Ordinance to be enacted to implement the Measure, if the Measure is approved by the voters, are not required to be printed in the sample ballot and voters pamphlet. However, the full text of the Measure and the full text of the Ordinance shall be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Office of the Fowler City Clerk.

SECTION 9. Arguments in favor of 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.

SECTION 10. Pursuant to section 9280 of the Elections Code, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney, and 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 11. 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 and any associated arguments, analysis, synopsis, summary, or ballot question on the ballot.

SECTION 12. 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.

The foregoing Resolution No. 2407 was passed and adopted by the Fowler City Council on August 7, 2018, by the following vote:

AYES: Cardenas, Parra, Rodriquez, & Kazarian

NOES: None

ABSENT: Hammer

ABSTAIN: None

—
David Cardenas, Mayor

ATTEST:

Jeannie Davis, City Clerk