



AUG 09 2018

RESOLUTION NO. 18-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN, SUBMITTING TO CITY VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION TO BE HELD NOVEMBER 6, 2018, A BALLOT MEASURE TO ADOPT AN ORDINANCE APPROVING TRANSACTIONS AND USE GENERAL TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION AND REQUESTING THAT THE BOARD OF SUPERVISORS CONSOLIDATE THAT ELECTION WITH THE STATEWIDE ELECTION AND REGULAR MUNICIPAL ELECTION HELD ON THAT SAME DATE

DEPUTY
AUG 18 2018

WHEREAS, under the provisions of the laws relating to general law cities in the State of California a General Municipal Election shall be held in the City of Kerman on November 6, 2018, for the election of Municipal Officers; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to imposing a one percent (1.00%) Local Sales Tax; and

WHEREAS, the City of Kerman provides essential public safety and park services to the residents of Kerman; and

WHEREAS, a vibrant and healthy downtown promotes economic well-being and growth for the City and encourages new business development in the City; and

WHEREAS, the City General Fund lacks funds for basic repairs and maintenance to streets, storm drains and facilities, construction of senior center and police station, and other similar projects, as well as downtown revitalization; and

WHEREAS, keeping the City clean, safe and well-maintained attracts families to the community and maintains our quality of life and local property values; and

WHEREAS, the City Council has reviewed its economic forecast and determined that without an additional revenue source, the City will be unable to maintain high-quality essential city services, repair potholes and maintain local streets and ensure the City has enough police officers to respond quickly to 9-1-1 emergencies; and

WHEREAS, such a measure will also allow the City to provide police services including neighborhood police patrols, crime prevention and investigations and expand and improve the number of services provided locally to seniors; and

WHEREAS, the State cannot take away funds from a local sales tax measure and a measure will have a clear system of fiscal accountability with an independent citizens' oversight committee and annual audits to ensure funds are spent properly and all funds stay local; and

WHEREAS, the City Council commissioned a voter opinion research study to determine the feasibility of a sales tax measure and the results were positive; and

WHEREAS, the City Council commissioned a priorities survey of Kerman residents which will help the City Council determine the best way to expend revenues derived from the sales tax measure; and

WHEREAS, the City Council has held meetings on December 6, 2017, April 18, 2018, and May 16, 2018, regarding a potential sales tax; and on June 6, 2018, hired TBWB Consulting Services for informational public outreach consulting services; and

WHEREAS, at its meeting of August 1, 2018, the Council considered a staff report, public testimony, and deliberated on the matter regarding submitting a ballot measure to the voters concerning a General Sales Tax; and

WHEREAS, Revenue and Taxation Code section 7285.9 authorizes the City Council to levy a transactions and use tax for general purposes, if the ordinance proposing the tax is approved by a two thirds vote of all members of the City Council and the tax is approved by a majority vote of the qualified voters of the city voting in an election on the issue; and

WHEREAS, the City Council wishes to approve the attached transactions and use tax ordinance and submit it to the votes in the form of the Kerman Essential City Services and Public Safety Measure which imposes a one percent (1.00%) transactions and use tax to be administered by the California Department of Tax and Fee Administration, subject to adoption by the voters of the City; and

WHEREAS, 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.

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

SECTION 1. The City Council submits to the voters of the City of Kerman at its next regular municipal election to be held on November 6, 2018, a ballot measure for consideration of an ordinance for establishment of a General Sales Tax of one percent (1.00%).

SECTION 2. The City Council requests the Fresno County Board of Supervisors that the election for this measure be consolidated with the statewide election also held on November 6, 2018, and the general municipal election to be held on that same date.

SECTION 3. The question to be submitted to the voters with respect to the ballot measure shall be printed on the election ballot with the title and in the form set forth as follows:

MEASURE __ To provide funding for essential city services and projects in the City of Kerman such as: police patrols, crime prevention, and quick 9-1-1 emergency response; repairing potholes and infrastructure, maintaining streets, revitalizing downtown area, and improving community facilities, parks, senior services, and other general city services, shall the measure establishing a one percent sales tax providing approximately \$1,000,000 annually until ended by voters be adopted, requiring citizen oversight, independent audits, and all funds controlled locally?	YES
	NO

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

MEASURE TO BE VOTED ON

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

ADOPTION OF ORDINANCE APPROVING A ONE PERCENT (1.00%) TRANSACTIONS AND USE TAX.

Ordinance No. 18-__ would add Chapter 3.16A to the Kerman Municipal Code establishing a one percent sales tax and generate approximately \$1,000,000 annually. To become effective, Ordinance No. 18-__ as a general tax measure must be approved by a majority of the City's voters at the November 6, 2018, regular municipal election. If approved by the voters, the ordinance would continue until ended by the voters. The ordinance would allow the City to provide funding for essential city services and projects such as: police patrols, crime prevention, and quick 9-1-1 emergency response; repairing potholes, maintaining streets, repairing infrastructure, revitalizing the downtown area, and improving community facilities, parks, senior services, and other general city services, shall the measure establishing a one cent sales tax providing approximately \$1,000,000 annually until ended by voters. The ordinance requires citizen oversight and annual independent audits.

Dated: _____
City of Kerman

City Elections Official

SECTION 5. The full text of the ordinance submitted to the voters is attached as Exhibit 'A' and incorporated by reference. The full text of the proposed ordinance is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text of the measure shall be made available to the public and to any voter at the Office of the Fresno County Clerk/Registrar of Voters and the Kerman City Clerk's Office.

SECTION 6. Passage of this measure requires a majority (50% plus 1) of votes cast at the election.

SECTION 7. The City of Kerman 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 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 or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar in accordance with Elections Code Section 9282. Rhonda Armstrong and Daniel Babshoff 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. The City Manager and City Clerk are authorized to provide input to the Fresno County Clerk/Registrar in determining a letter designation for this measure. In the event that an argument is filed against the Measure, Rhonda Armstrong and Daniel Babshoff 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 Kerman acknowledges the Fresno County Clerk/Registrar may conduct the election in accordance with Elections Code 10418.

SECTION 11. The City Attorney shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280 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.

SECTION 14. This Resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly

The foregoing City of Kerman resolution was adopted at a regular meeting of the City Council of the City of Kerman held on the 1st day of August, 2018 and passed at said meeting by the following vote:

AYES: Yep, Dhaliwal, Sandoval, Armstrong

NOES: Arvance

ABSENT: None

ABSTAIN: None

The foregoing resolution is hereby approved.

Rhorida Armstrong
Mayor

ATTEST:

Marci Reyes
City Clerk