

FILED

AUG 01 2019

**RESOLUTION NO. 2019-30**

EDENRICO COUNTY CLERK  
By \_\_\_\_\_ DEPUTY

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARLIER CALLING AND PROVIDING FOR A SPECIAL MUNICIPAL ELECTION AND DECLARING THE ELECTION TO BE AN EMERGENCY, TO BE HELD IN THE CITY OF PARLIER ON TUESDAY, NOVEMBER 5, 2019; AND, ADOPTING ORDINANCE ENACTING A TRANSACTIONS AND USE (SALES) TAX TO BE ADMINISTERED BY THE STATE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION; AND ORDERING THE SUBMITTAL OF THE ORDINANCE TO THE VOTERS AT THE SPECIAL ELECTION**

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**WHEREAS**, Revenue and Taxation Code §§7251 and following provide for the establishment of Transaction and Use Taxes by counties; and

**WHEREAS**, Revenues and Taxation Code §7285.9 authorizes the governing board of any city to levy a Transactions and Use Tax for general revenue purposes as required by §7251 and following in an ordinance approved by a two-thirds vote of all members of the City Council; and

**WHEREAS**, §2(b) of Article XIII C of the California Constitution, added by Proposition 218, effective November 1996, requires that a measure proposing a general tax to be submitted to the voters in an election consolidated with a regularly scheduled general election for members of the governing body, except in cases of emergency declared by unanimous vote of the governing body; and

**WHEREAS**, the City Council is the governing body for the City of Parlier and there is no regularly scheduled general election for members of the governing body until November 2020; and

**WHEREAS**, the cost of providing police protection services has substantially increased every year and the City does not receive significant state or federal funding for public safety services; and

**WHEREAS**, the City needs additional resources to retain the City's current staffing levels of police officers, and of City staff in general in order to maintain services at their current levels; and

**WHEREAS**, numerous City facilities, including streets, storm drains, sidewalks, curbs, gutters, park and recreation facilities, and other infrastructure are in need of repair, replacement, upgrading and maintenance; and

**WHEREAS**, the City is receiving fire protection services through Fresno County Fire Protection District pursuant to a contract which imposes on the City an obligation to seek funding by ballot measures as necessary to pay for fire protection in addition to all other services provided by the City; and

**WHEREAS**, pursuant to California Constitution Article XIII C, §2(b) and Elections Code §10201, the City Council of the City of Parlier, California, desires to submit to the voters of the City of Parlier a measure to enact an ordinance establishing a Transaction and Use Tax to maintain and/or restore essential services provided by the City of Parlier to its inhabitants and the City Council unanimously finds and declares that submittal of said measure to the voters at a special election is made necessary by an emergency consisting of the City's inability to continue to fund such essential services at current revenue levels, as demonstrated by the City's persistent deficit position as reflected by its audited financial statements spanning the past five years and a deficit of approximately \$600,000 in the immediately preceding fiscal year (ending June 30, 2018); and

**WHEREAS**, pursuant to the provisions of Election Code §§1003 and 9222 an ordinance may be submitted to the voters for approval on other than an established election date by order of the City Council.

**NOW, THEREFORE**, the City Council of the City of Parlier does resolve and proclaim as follows:

Section 1.     Incorporation of Recitals.

The foregoing recitals are true and correct.

Section 2.     Calling Special Municipal Election: Pursuant to California Elections Code §§9222 and 10201, the City Council hereby orders that a special municipal election in and for the City of Parlier shall be held on Tuesday, November 5, 2019, for the purpose of approving a Transaction and Use (Sales) Tax Measure and that, pursuant to §2(b) of Article IIC of the California Constitution the measure to be submitted to the voters is a general tax that may be submitted to the voters at a special election because of an emergency declared by a unanimous vote of the governing body. The emergency requiring the submission to the voters of the general tax measure arises as a result of the inability of the City of Parlier to maintain and continue to provide essential City services, referred to in the measure, at current revenue levels as shown by the City's audited financial statements for for Fiscal Year 2017-2018, which reflects an operational deficit of approximately \$600,000. The full text of the Parlier Transaction and Use Tax Ordinance of 2019 attached to this Resolution as Exhibit A shall be available to the voters upon request made to the City Clerk. The measure to be submitted to the voters shall appear and be printed on the ballot as follows:



Proposition "S"; City of Parlier Sales Tax Measure

To protect, maintain and improve essential City services including police, fire, 911 emergency, gang prevention programs, neighborhood police patrols, maintain streets, reduce criminal activity, attract and retain businesses and jobs, and maintain youth/senior and other programs and services, shall the City of Parlier increase the sales tax by one cent (\$.01) providing for approximately \$400,000 annually, until ended by voters?

YES \_\_\_\_\_

NO \_\_\_\_\_

Section 3. Introduction of Ordinance: The City Council approved the introduction of Ordinance 2019-02, the Parlier Transaction and Use Tax Ordinance of 2019, attached to this Resolution as Attachment A on February 7, 2019. The City Council conducted a duly noticed public hearing on the Transaction and Use Tax Ordinance, and by at least a four-fifths vote waived the second reading and adopted said Ordinance on July 18, 2019. The proposed measure and the Transaction and Use Tax Ordinance is a general tax defined in Article XIII C of the California Constitution and shall not take effect unless and until approved, following a second reading and adoption of the Ordinance consistent with the provisions of California State law and Article XIII C of the California Constitution by unanimous vote of the Parlier City Council, and until a vote of at least a majority of the voters voting on the question at the special municipal election.

Section 4. Impartial Analysis: The City Attorney is hereby directed to prepare an impartial analysis of the measure pursuant to Elections Code §9280.

Section 5. Requesting Fresno County to Render Election Services: The Board of Supervisors of Fresno County is hereby requested to permit the County Registrar of Voters to render services to the City of Parlier related to the conduct of the November 5, 2019, Special Municipal Election as follows:

- A. Distribute and file all papers submitted in connection with the proposed ordinance.
- B. Make all required publications.
- C. Prepare, print and mail to the qualified electors of the City of Parlier sample ballots and voter pamphlets. Full text of the ballot measure will be made available upon request at the Parlier City Clerk's Office.
- D. Provide vote by mail ballots for said municipal election for use by the qualified electors who may be entitled to vote by mail ballots in the matter provided by law.

E. Order consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.

F. Conduct and canvas the returns of the election and certify the votes cast for the proposed measure.

G. Receive and process vote by mail voter applications.

H. Prepare, print and deliver to the polling place supplies, including the official ballots and a receipt for said supplies.

I. Recount votes, if requested in accordance with State law.

J. Conduct all election duties in accordance with the Voters' Rights Act of 1975.

K. Perform all other pertinent services required to perform said election other than requirements of the Fair Political Practices Commission; said Fair Political Practices Commission requirements to be performed by the City Clerk.

Section 6. Miscellaneous: The Fresno County Registrar of Voters is requested to consolidate the special election with the election of any other jurisdiction. The City of Parlier agrees to and shall pay the bill for the services performed by the Registrar of Voters of Fresno County. The City Manager or Acting City Manager is authorized to make changes to the language of this resolution, the measure, and the attached ordinance to conform to any requirement of the Fresno County Registrar of Voters, that does not alter the substantive terms of those enactments.

The City Clerk is hereby authorized and directed to transmit certified copies of this resolution to the Board of Supervisors and to the County Registrar of Voters.

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The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Parlier held on the 18<sup>th</sup> day of July, 2019, by the following vote:

AYES: Mayor Beltran, Mayor Pro-tem Pimentel, Council member Maldonado, Council member Rodriguez, Council member Escoto

NOES: None

ABSTAIN: None

ABSENT: None

Alma Beltran, Mayor of the  
City of Parlier

ATTEST:

City Clerk/Deputy City Clerk