

F I L E D

OCT 14 2019

RESOLUTION NO. 2019-086

By _____ DEPUTY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REEDLEY CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 3, 2020, TO PRESENT TO VOTERS A MEASURE TO LEVY A GENERAL PURPOSE TRANSACTIONS AND USE TAX OF THREE-QUARTERS (3/4) OF ONE PERCENT (0.75%), AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; REQUESTING CONSOLIDATION THEREOF WITH THE STATEWIDE PRIMARY 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 REEDLEY RELATING TO THE CONDUCT OF THE SPECIAL MUNICIPAL ELECTION

WHEREAS, the City of Reedley (“City”) faces a budget crisis of unprecedented proportions; and

WHEREAS, the City has, and will continue to experience significant increases in expenses that outpace available revenue resources; and

WHEREAS, the residents of the City of Reedley have expressed their desire to avoid further cuts in essential City services and programs such as: 911 emergency first responders, police protection, fire prevention, neighborhood patrols, anti-gang and drug programs, homelessness outreach programs, street and sidewalk repairs, storm drain repair, other infrastructure upkeep, park and open space maintenance, youth and after-school programs, senior citizen programs, retention and attraction of local businesses; and

WHEREAS, the City Council of the City of Reedley met at its regularly scheduled meeting of August 13, 2019, to review in a workshop format a detailed five year financial forecast, and review the need and timing for a potential general tax measure; and

WHEREAS, on August 27, 2019, the City Council of the City of Reedley voted unanimously to declare a fiscal emergency to submit a general purpose sales tax ballot measure to the voters of the City at the March 3, 2020, statewide primary election.

WHEREAS, applicable provisions of the California Revenue and Taxation Code authorize the City to levy or increase a transactions 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, in accordance with applicable provisions of the Elections Code the City Council desires to submit to the voters of the City of Reedley a ballot measure proposal to increase the existing rate of the Transactions and Use Tax rate in the City of Reedley by three-quarters of one percent (0.75%) (hereinafter the “Measure”); and

WHEREAS, if the Measure is approved by the voters, the increased transactions 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 special municipal election with the statewide primary election scheduled for March 3, 2020; and

WHEREAS, the transactions and use tax increase required by the Measure cannot be imposed without voter approval; and

WHEREAS, voter approval of the Measure increasing the City’s transactions and use tax rate will require an ordinance amending the Reedley 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 REEDLEY 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 applicable provisions of the Elections Code, the City Council of the City of Reedley hereby calls and orders an election at which the Measure relating to the increase of the City’s transactions 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 special municipal election for this Measure with the statewide primary election on March 3, 2020, pursuant to section 10403 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 agrees to pay 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 Reedley’s special 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 special municipal election with the elections being held by other jurisdictions, if any, in the City of Reedley on March 3, 2020.

SECTION 4. At the statewide primary election to be held on March 3, 2020, the following question shall be submitted to registered voters of the City of Reedley and shall be printed on the election ballot in the form set forth as follows:

REEDLEY PUBLIC SAFETY & VITAL CITY SERVICES MEASURE: To maintain 911 emergency response times, police protection, neighborhood patrols, anti-gang and drug programs; repair streets, alleys, potholes, and other infrastructure; maintain neighborhood parks, youth, after-school, and senior programs; retain and attract local businesses; address homelessness; and provide other services; shall the City of Reedley enact a $\frac{3}{4}\%$ sales tax providing approximately \$1,500,000 annually, requiring annual audits and 10 year review, with all funds benefitting Reedley residents?

YES

NO

SECTION 5. The measure shall be designated on the ballot by a letter, as provided in Elections Code Section 13116. This measure shall be designated by letter by the Fresno County Clerk.

SECTION 6. Passage of the Measure requires a simple majority of votes from qualified voters of the City voting in the election.

SECTION 7. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. Pursuant to Elections Code section 12111, 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 9. The full text of the Measure submitted to the voters will appear in the sample ballot and voters pamphlet. The Ordinance to be enacted to implement the Measure, if the Measure is approved by the voters, will not be printed in the sample ballot and voters pamphlet. However, the full text of the Measure and the full text of the Ordinance will be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Office of the Reedley City Clerk.

SECTION 10. 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 applicable provisions of the Elections Code, including sections 9280 through 9287 thereof.

SECTION 11. Pursuant to Elections Code section 9280, 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 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 and any associated arguments, analysis, synopsis, summary, or ballot question on the ballot.

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

SECTION 14. California Environmental Quality Act (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 Special 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 increase 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 15. 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 Reedley 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.

The foregoing Resolution No. 2019-086 was passed and adopted by the Reedley City Council on October 8, 2019, by the following vote:

AYES: Soleno, Pinon, Betancourt, Fast.

NOES: None.

ABSTAIN: None.

ABSENT: Beck.

APPROVED:

Frank Piñon, Mayor

ATTEST:

Sylvia Plata, City Clerk

