

RESOLUTION NO. 2018-55

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE
AUTHORIZING THE SUBMISSION TO VOTERS OF A BALLOT MEASURE
SEEKING VOTER AUTHORIZATION TO AMEND MUNICIPAL CODE
CHAPTER 3.26 TO EXTEND THE TERM OF THE CITY'S EXISTING UTILITY
USERS TAX WITHOUT A RATE INCREASE AT THE REGULARLY
SCHEDULED NOVEMBER 6, 2018 STATEWIDE GENERAL ELECTION**

WHEREAS, the California Constitution, Article XI, Section 5, authorizes the City to levy a Utility Users Tax ("UUT"); and

WHEREAS, Chapter 3.26 of the Pinole Municipal Code establishes a UUT of eight percent (8%) within the City of Pinole; and

WHEREAS, the UUT is paid by recipients of telephone, electric and gas utility services, collected by the utilities as part of regular billing, and remitted to the City; and

WHEREAS, the UUT will be automatically repealed on December 31, 2020; and

WHEREAS, the UUT raises approximately two million dollars (\$2,000,000) annually, which is equivalent to roughly fourteen percent (14%) of the City's General Fund Budget; and

WHEREAS, revenue generated by the UUT is essential for funding many City services, including Police and Fire protection, 9-1-1 emergency services, park maintenance and repair, youth and senior recreation services, and other community services; and

WHEREAS, the City prudently manages revenues generated from tax payers, and in the last decade has implemented budget cuts and staff reductions to address revenue deficits while maintaining essential services; and

WHEREAS, the City desires to maintain critical and essential services for the community; and

WHEREAS, the City Council has determined that the expiration of the UUT would result in the reduction of critical and essential services to its citizens; and

WHEREAS, the UUT became effective on December 1, 1998 and has been extended by voters in 2004 and 2012; and

WHEREAS, revenues generated by this voter-approved funding source are locally controlled and cannot be taken by the State; and

WHEREAS, the voters of the City of Pinole have the authority to extend the term of the UUT; and

WHEREAS, the City Council desires to give the voters of the City of Pinole the opportunity at the regularly scheduled November 6, 2018 election to decide whether or not to extend the term of the City's existing UUT without a rate increase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pinole that:

Section 1. The foregoing recitals are true and correct and hereby incorporated by reference.

Section 2. The City Council is authorized to present a proposition to the voters for their consideration pursuant to Government Code Section 36502 and Elections Code Section 9222.

Section 3. The City Council hereby calls an election at which it shall submit to the qualified voters of the City of Pinole a measure that, if approved, will extend the term of the UUT, without a rate increase, until voters otherwise decide. This measure shall be designated by letter by the Contra Costa County Registrar of Voters. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 6, 2018.

Section 4. The ballot language for the proposed measure shall be as follows:

<u>“Extension of Locally Controlled Funding Measure</u> Without raising current tax rates, and to maintain City services including Police and Fire protection, 9-1-1 emergency services, park maintenance and repair, youth and senior recreation services, other community services, and for unrestricted general revenue purposes, shall an ordinance be adopted to continue the existing Utility Users Tax at the current rate of 8%, until voters otherwise decide, providing approximately \$2,000,000 annually that cannot be taken by the State?”	YES	
	NO	

Section 5. The full text of the proposed measure to be submitted to the voters is attached as Exhibit A (the “Measure”) hereto. If the majority of qualified voters voting on the Measure vote in favor therefore, or as otherwise required by the California Constitution, the Measure shall be deemed adopted and shall be in full force and effect ten (10) days after the date the vote is declared by the City Council of the City of Pinole.

Section 6. The City Clerk is hereby directed to cause notice of the measure to be published once in a newspaper of general publication in the City, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

Section 7. The City Council hereby requests that the Contra Costa County Board of Supervisors consolidate the election called by this resolution with the statewide election to be conducted on November 6, 2018 and order the election to be conducted by the Registrar of Voters. The election shall be held in all respects as if there were only one election. The City of Pinole acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418. The City of Pinole recognizes that the County will incur additional costs because of this consolidation and agrees to reimburse the County for those costs. The City Manager is hereby authorized and directed to expend the necessary funds to pay for the City’s cost of placing the measure on the election ballot.

Section 8. The City Clerk is authorized, instructed and directed to work with the Office of the Registrar of Voters as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The Office of the Registrar of Voters is authorized to canvass the returns of the general municipal election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Contra Costa County and the Registrar of Voters of Contra Costa County.

Section 9. The schedule and requirements for arguments and the City Attorney’s impartial analysis is as follows:

- a. The last day for submission of primary arguments for or against the measure shall be by 5:00 p.m. on August 22, 2018.
- b. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on August 27, 2018.
- c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.

- d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the primary arguments.
- e. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and file the impartial analysis with the City Clerk by July 3, 2018.
- f. Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument, which it seeks to rebut.

Section 10. The jurisdictional boundaries of the City of Pinole have not changed since the last general municipal election.

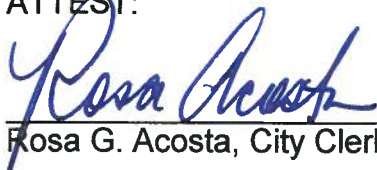
Section 11. The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"), based on the general rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This resolution places a measure on the ballot that, if approved, extends the term of the UUT, without a rate increase, until voters otherwise decide; thus, it can be said with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 19th day of June 2018 by the following vote:

AYES: COUNCILMEMBERS: **Banuelos, Long, Murray, Swearingen, Toms**
NOES: COUNCILMEMBERS: **None**
ABSENT: COUNCILMEMBERS: **None**
ABSTAIN: COUNCILMEMBERS: **None**

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on this 19th day of June, 2018.

ATTEST:


Rosa G. Acosta, City Clerk



APPROVED AS TO FORM:



Eric S. Casher, City Attorney

2964842.3

EXHIBIT A TO RESOLUTION 2018-55

TO BE INCLUDED IN THE VOTER PAMPHLET

1. The proposed Measure to Extend the Term of the City's Existing Utility Users Tax Without a Rate Increase shall be submitted to the voters on the ballot in the form of the following question:

MEASURE _____: Extension of Locally Controlled Funding Measure		
Without raising current tax rates, and to maintain City services including Police and Fire protection, 9-1-1 emergency services, park maintenance and repair, youth and senior recreation services, other community services, and for unrestricted general revenue purposes, shall an ordinance be adopted to continue the existing Utility Users Tax at the current rate of 8%, until voters otherwise decide, providing approximately \$2,000,000 annually that cannot be taken by the State?		YES
		NO

The full text of the proposed Ordinance shall be available for review at the Office of the City Clerk, 2131 Pear Street, Pinole, CA 94564,

The full text of the proposed Ordinance will also be available on the City of Pinole website at www.ci.pinole.ca.us