

RESOLUTION NO. 5001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD ORDERING AN ELECTION, REQUESTING THE MONTEREY COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION, REQUESTING CONSOLIDATION OF THE ELECTION TO CONSIDER THE EXTENSION OF THE CITY'S TEMPORARY TRANSACTIONS AND USE TAX, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE MONTEREY COUNTY REGISTRAR OF VOTERS FOR SAID ELECTION SERVICES

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city may by resolution request the Board of Supervisors of the county to permit the County Election Official to render specified services to the City relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the city shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city shall reimburse the county in full for the services performed upon presentation of a bill to the city; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a city for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the city shall, at least 88 days prior to the date of the election, file with the Board of Supervisors, and a copy with the Elections Official, a resolution of its governing body requesting the consolidation, and setting forth the exact form of any question proposition, or office to be voted upon at the election, as it is to appear on the ballot, and upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution or order calling the elections, and

WHEREAS, various district, county, state and other political subdivision elections, including the City's General Municipal Election, may be or have been called to be held on November 4, 2014;

WHEREAS, the City Council of the City of Soledad desires to submit to the voters at a November 4, 2014 consolidated general and municipal election a question relating to the extension of the term of the City's existing Transaction and Use Tax (Sales Tax) in order to maintain a consistent and reliable source of supplemental funding for the General Fund for general city services, pursuant to California Constitution Article XIII C, Section 2, Government Code Section 53724, Elections Code Section 9222, and the Municipal Code of the City of Soledad; and

WHEREAS, Elections Code Section 9282 sets forth the procedures for arguments in favor of or in opposition of any City measure; and

WHEREAS, Elections Code Section 9285 sets forth the procedures for rebuttal arguments; and

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

Section 1. Recitals and Findings

1. When the worldwide recession and economic downturn began in December 2007, the City experienced fiscal crisis, and saw reduced property values, increased foreclosures, and unpredictable decreases from existing taxes and fees and State takeaways of local revenue.
2. In response to the funding crisis, from 2008 to 2012, the City reduced its operational costs by reducing services and eliminated approximately forty-nine (49) positions, approximately 50% of its workforce.
3. In response to the funding crisis, the City voters approved, on June 5, 2012, a one percent (1%), five-year temporary Transaction and Use Tax.
4. Revenue generated by the Transaction and Use Tax, which in Fiscal Year 2013-2014 was approximately \$1,300,000, partially offsets the City's general fund reduced revenue.
5. The revenue generated by the Transaction and Use Tax allows the City to maintain current essential governmental services, such as police, fire, emergency response, street maintenance, parks maintenance and other general government services.
6. The economy is recovering at a slow pace, and the City's property taxes are not returning as quickly as planned.
7. The City finds that the revenue generated by the Transaction and Use Tax is necessary to supplement the City's local sales tax.
8. The need for the supplemental Transaction and Use Tax will clearly outlast the current Measure "Y" sunset date.

9. It is difficult for the City to explore the restoring of eliminated public safety staff positions when the approved Transaction and Use Tax is scheduled to end September 30, 2017.
10. Absent an extension of the supplemental transaction and use tax, the City will not be able to continue the current service levels, will not be able to explore restoring previously eliminated staff positions and will have to cut its General Fund budget by approximately 25%, which will directly impact services to the citizens of Soledad.
11. In collaboration with the "Measure Y Citizens Oversight Committee", which was established by the voter-approved Transaction and Use Tax of June 2012, the City has used the Transaction and Use Tax revenue in accordance with the ordinance enacted for said purpose. Examples of "Measure Y" expenditures made to date and to be made in fiscal year 2014/15 include:
 - a. purchase of lawn mowers for parks maintenance
 - b. purchase of tasers and other police equipment
 - c. police overtime
 - d. canine program-related expenses
 - e. Fire department removal of an underground storage tank
 - f. Turnouts for Fire personnel
 - g. Board of Equalization administration fees
 - h. Information Technology (I.T.) replacement plan including new computers and servers
 - i. Expenses related to increased economic development efforts
 - j. Fire truck lease payments
 - k. Police explorer program expenses
 - l. City Community Center exterior lighting upgrades
 - m. Staff training
 - n. Other general governmental expenses
12. As reflected in its independent audit reports, the City has properly segregated and accounted for the "Measure Y Transaction and Use Tax revenues and expenditures.

Section 2. Call for Consolidated Election

- A. The City Council of the City of Soledad hereby orders an election to be called and consolidated with any and all elections also called to be held on November 4, 2014, insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the City of Soledad, and requests that the Board of Supervisors of the County of Monterey order such consolidation under Elections Code Section 10401 and 10403.
- B. The governing body of the City of Soledad hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services.

Section 2 Placement of Measure on the Ballot. The official ballot to be used at said election shall conform to the laws of the State of California with relation thereto. The City Council of the City of Soledad, pursuant to its right and authority as established by the authorities cited herein, does order submitted to the voters at the consolidated General Municipal Election the following question concerning the extension of the City's Transactions and Use Tax:

Shall Chapter 3.09 of the Soledad Municipal Code be amended to extend the existing five (5) year term of the City's one percent (1%) Temporary Transactions and Use Tax by fifteen (15) years, to 2032, to continue to fund essential services such as police, fire, emergency response, street maintenance, park & recreation and other general government services, subject to review by a Citizens Oversight Committee, annual independent audits, and exclusive use by the City?

The words "yes" and "no" shall be printed on the ballots so the qualified electors may express their choice.

This measure shall be designated by letter by the Monterey County Elections Department.

Section 3 Proposed Ordinance. The ordinance authorizing an extension to the existing City of Soledad Transaction and Use Tax to be approved by the voters pursuant to Section 2 is as set forth in Exhibit "A" hereto. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the November 4, 2014 election, as required by Revenue and Taxation Code Section 7285.9, subject to the approval of a majority of the voters voting on the measure at a combined General and Municipal election. The entire text of the ordinance attached hereto as Exhibit A shall be printed in the voter information portion of the sample ballot. The ordinance specifies that the existing term of the City's Transactions and Use Tax shall be extended by an additional fifteen (15) years, under the same terms and conditions as currently established in Chapter 3.09 of the Soledad Municipal Code, including the requirement that the tax revenues are subject to annual independent audit and the use thereof is subject to the recommendations of a Citizen's Oversight Committee.

Section 4. Impartial Analysis and Submission of Ballot Arguments. The City Attorney is hereby authorized to prepare an impartial analysis of the proposed measure. The Attorney's impartial analysis of the ballot measure shall not exceed five hundred words in length showing the effect of the measure on the existing law and the operation of the measure. Written arguments in favor or opposed to the measure may be prepared by the City Council, any member or members of the City Council so authorized by Council action, any individual voter who is eligible to vote on the measure, any bona fide association of citizens, or any combination of voters and associations. All arguments must be submitted to the City Clerk by 5:00 p.m. on August 15, 2014. No argument shall exceed 300 words in length. A ballot argument may not be accepted unless accompanied by the printed name and signature or printed names and signatures of the author or authors submitting it, of if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument. No more than five signatures shall appear on any argument. If more than one argument is submitted for or against a measure, the City Clerk shall select the argument for printing and distribution in accordance with the provisions of Elections Code Section 9287.

Pursuant to Section 9285 of the California Elections Code, when the City Clerk has selected the argument 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 may thereafter be prepared in a length not exceeding 250 words, and shall be filed with the City Clerk by no later than 5:00 p.m. on August 25, 2014. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument, which it seeks to rebut.

Section 5. CEQA. The City Council finds, based on all available information as of July 14, 2014, that under California Environmental Quality Act (“CEQA”) Guidelines Section 15060(c)(2), subdivisions (2) and (4) of subdivision (b), the involved action does not constitute a project under CEQA and therefore review under CEQA is not required.

Section 6 Publication of Measure. In accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code, the City Clerk is hereby authorized and directed to cause notice of the measure to be published once in the Soledad Bee, a weekly newspaper of general circulation, printed, published and circulated in the City of Soledad and hereby designated for that purpose by the Council of Soledad.

Section 7. Canvass of Votes The City hereby requests that the Registrar of Voters shall conduct the official canvass, commencing no later than November 6, 2014, and shall provide the City with an Official Canvass and Statement of Votes. The City Council shall meet on or before the next scheduled meeting following the certification of the election to approve the canvass.

Section 8. Payment For Services. The City Council determines that the “Service Agreement for the Provision of Election Services between the city of Soledad and the Monterey County Registrar of Voters, “a copy of which is attached hereto as Exhibit “B” and by this reference incorporated herein, is hereby approved and the city Manager is hereby authorized and directed to execute the same on behalf of the City of Soledad.

Section 9. Effective Date. This resolution shall become effective immediately upon its passage and forthwith entered upon the minutes of this Council and kept and maintained by the City Clerk of the City of Soledad.

Section 10. The City Clerk is hereby authorized and directed to certify to the due adoption of this Resolution and to transmit a copy hereof so certified to the Board of Supervisors and the Registrar of Voters of Monterey County.


PASSED AND ADOPTED by the City Council of the City of Soledad at a special meeting duly held on the 14th day of July, 2014, by the following vote:

AYES, and in favor thereof, Councilmembers: Christopher K. Bourke, Richard J. Perez, Patricia D. Stephens, Mayor Pro Tem Alejandro Chavez and Mayor Fred J. Ledesma

NOES, Councilmembers: None.

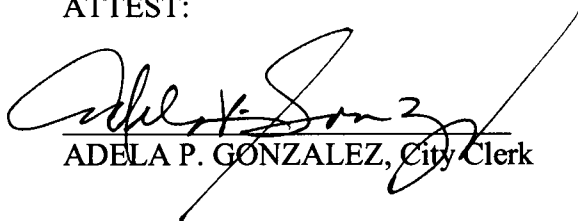
ABSTAIN, Councilmembers: None.

ABSENT, Councilmembers: None.



FRED J. LEDESMA, Mayor

ATTEST:



ADELA P. GONZALEZ, City Clerk