

**FILED**

AUG 06 2012

**RESOLUTION NO. 2012-34**

BY *K. Stachur* DEPUTY  
REGISTRAR OF VOTERS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, RESCINDING RESOLUTION NO. 2012-28 AND ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO THE ADOPTION OF A GENERAL UTILITY USERS TAX AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012

WHEREAS, a general election on Tuesday, November 6, 2012 has been called by Resolution No. 2012-22, adopted on June 12, 2012, and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to the adoption of a general Utility Users Tax.

WHEREAS, the City Council approved resolution No 2012-28 at its July 10, 2012 meeting and now wishes to rescind that resolution and adopt this resolution ordering that Ordinance 545 AC be placed on the November 6, 2012 ballot for submission to the voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Resolution 2012-28 is hereby rescinded (inclusive of Attachment A, Ordinance 544-AC) and Pursuant to Elections Code section 9222, ordinance number 545-AC (an ordinance establishing a utility users tax) shall be submitted to the voters at the City's next regular municipal election on November 6, 2012.

SECTION 2. The City requests and authorizes the San Bernardino County Board of Supervisors to consolidate the election on the utility users tax measure with the Statewide election on November 6, 2012.

SECTION 3. Pursuant to Elections Code section 10403, the ballot forms shall have printed on them the following words with regard to the measure:

<b>Utility User Tax Measure _____</b>	
Shall Needles eliminate 2.5% of the current 7.5% franchise fee that the City of Needles charges the Needles Public Utility Authority and in its place establish a utility user tax of up to 2.5% to be applied to electric, water and sewer use charges?	YES
	NO

SECTION 4. The complete text of ordinance number 545-AC is attached hereto as Exhibit A.

SECTION 5. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. Notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. The City Manager and City Clerk are hereby authorized and directed to take all necessary and appropriate steps to place the measure on the ballot.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED at a regular city council meeting held on the 24<sup>th</sup> day of July, 2012 by the following roll call votes:

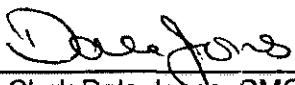
AYES: COUNCILMEMBERS LOPEZ, KIDD, FRAZIER, CAMPBELL AND MURCH

NOES: NONE

ABSENT: COUNCILMEMBER GUDMUNDSON

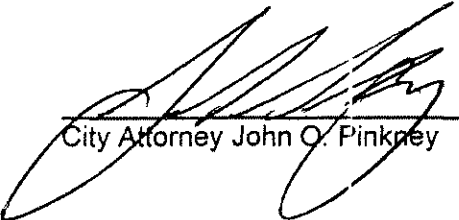
ABSTAIN: NONE

ATTEST:

  
\_\_\_\_\_  
City Clerk Dale Jones, CMC

  
\_\_\_\_\_  
Mayor Edward T. Paget, M.D.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney John O. Pinkney

Argument in favor of Measure \_\_\_\_\_

The purpose of the utility user tax proposal is to approve a continuation of the 2.5% fee that was increased by City Council two years ago and, change the nomenclature to a tax instead of a fee. The franchise fee was increased to close a budget shortfall 2 years ago with the assumption revenue shortfalls would be short lived.

Early 2012 the State Legislature eliminated all Redevelopment Agency revenue. So, there is a need to continue the 2.5% fee to provide essential city services such as police, fire, parks and recreation, road maintenance, etc. at current levels. The ordinance states a utility user tax of UP TO 2.5 % will be applied.

Recently passed Proposition 26, states a fee is a tax, and the electorate has a vote on any changes. Your City government has agreed a continuation of the 2.5% fee needs voter approval, and to change the name of the 2.5% fee to a utility user tax. Your utility rates will not change. A yes vote on this proposal is Status Quo! Current rates will be adjusted to back out the 2.5% then a line item will be added to your bill showing the utility user tax.

The revenue from continuation of this 2.5% will stay in Needles supporting our community. The City Budget is Bare Bones - No Frills. VOTE YES ON MEASURE \_\_\_\_\_ - THE CITY NEEDS YOUR SUPPORT.

Thank you

Councilmember Terry Campbell and Councilmember Linda Kidd, Council Budget Committee.

TERRY CAMPBELL  
Printed Name

Terry Campbell  
Signature

7/30/12  
Date

Linda Kidd  
Printed Name

Linda Kidd  
Signature

07-30-2012  
Date

**ARGUMENTS**

**FORM OF STATEMENT TO BE FILED BY  
AUTHORS OF ARGUMENTS**

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with § 9200) of the Elections Code shall be accompanied by the following form statement to be signed by each proponent, and by each author, if different, of the argument:

The undersigned proponents or author(s) of the primary argument in favor of ballot proposition 2.5% Utility User Tax at the General Municipal Election for the City of Needles to be held on November 6, 2012 hereby state that the argument is true and correct to the best of his/her knowledge and belief.

Print <u>Ferry E Campbell</u>	Signature <u>Ferry E Campbell</u>
Title <u>Councilman</u>	Date <u>7/30/12</u>

Print <u>Linda Kidd</u>	Signature <u>Linda Kidd</u>
Title <u>Councilwoman</u>	Date <u>07-30-2012</u>

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Councilmember Terry Campbell and Councilmember Linda Kidd, Council Budget Committee.