



CERTIFICATION

I, *Barbara A. McGee*, City Clerk of the City of Rialto, County of San Bernardino, State of California, DO HEREBY CERTIFY that I have compared the annexed copy of:

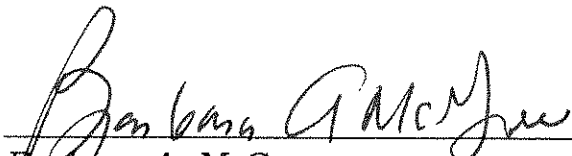
RESOLUTION NO. 6199 OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION ON MARCH 5, 2013 TO VOTE ON A MEASURE TO CONTINUE THE UTILITY USER TAX FOR FIVE ADDITIONAL YEARS IN ORDER TO MAINTAIN SERVICES FOR THE RESIDENTS OF RIALTO; ORDERING THE SUBMITTAL OF THE ORDINANCE TO THE VOTERS AT THE SPECIAL ELECTION; REQUESTING THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS TO CONSENT TO THE CONSOLIDATION OF THIS ELECTION WITH ANY OTHER ELECTION TO BE HELD ON MARCH 5, 2013 AND DIRECTING THE REGISTRAR OF VOTERS TO CONDUCT THE ELECTION

With the original on file in the Office of the City Clerk, 290 W. Rialto Ave., Rialto, CA 92376, and that it is a true, complete and correct copy of the same as it appears in the records on file in my office remaining.

(Seal)

IN WITNESS WHEREOF, I have here onto set my hand and affixed the official seal of the City of Rialto on

December 5, 2012



Barbara A. McGee
City Clerk, City of Rialto

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RESOLUTION NO. 6199

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION ON MARCH 5, 2013 TO VOTE ON A MEASURE TO CONTINUE THE UTILITY USER TAX FOR FIVE ADDITIONAL YEARS IN ORDER TO MAINTAIN SERVICES FOR THE RESIDENTS OF RIALTO; ORDERING THE SUBMITTAL OF THE ORDINANCE TO THE VOTERS AT THE SPECIAL ELECTION; REQUESTING THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS TO CONSENT TO THE CONSOLIDATION OF THIS ELECTION WITH ANY OTHER ELECTION TO BE HELD ON MARCH 5, 2013 AND DIRECTING THE REGISTRAR OF VOTERS TO CONDUCT THE ELECTION

WHEREAS, the total annual revenue of our City has fallen from \$57.8 million in the 2006-07 fiscal year to \$49.3 million in the 2012-13 fiscal year; and

WHEREAS, the Utility User Tax will generate \$11.2 million representing 22.3% of our City's \$49.3 million revenue in this 2012-13 fiscal year and the largest single source of revenue to our City; and

WHEREAS, our City's revenue is not increasing while the cost to provide services continues to rise; and

WHEREAS, Measure V that would have generated \$5 million in annual revenue for our City failed in the general election on November 6, 2012; and

WHEREAS, the Utility User tax will expire on June 30, 2013; and

WHEREAS, our City's revenues will be insufficient to pay for the current level of city services to our residents, necessitating very large reductions of city services such as police and fire protection, without a continuation of the Utility User Tax; and

WHEREAS, our City has used its reserves to fund city services in the past but will not be able to do so in the future, because the reserves will be depleted except for needed working capital; and

WHEREAS, the Rialto City Council acknowledges the legal authority of our residents to choose to maintain the current level of city services or to bring about a large reduction of the level of city services to our residents; and

WHEREAS, Tuesday, March 5, 2013 is a prescribed election date under the Elections Code

1 Section 1000 on which the County of San Bernardino will hold a consolidated election; and

2 **WHEREAS**, Section 2(b) of Article XIII C of the California Constitution, Sections 37101,
3 53723 and 53724 of the California Government Code and Section 9222 of the California Elections
4 Code authorize the Rialto City Council, by a unanimous vote of all present members of the City
5 Council, to submit to the voters of the City of Rialto, without a petition therefore, a measure for the
6 amendment or enactment of an ordinance that would permit an increase of a general tax, to be voted
7 upon at a special election; and if the measure submitted receives a majority of the votes cast on it at
8 the election, the ordinance shall be amended or enacted.

9 **NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Rialto does
10 hereby declares, determines, finds and orders as follows:

11 **Section 1:** The foregoing recitals are true and correct.

12 **Section 2:** Pursuant to Section 2(b) of Article XIII C, an emergency exists in the finances
13 of the City of Rialto due to the decrease of its revenues in each of the past six fiscal years, the rising
14 costs of providing city services, the failure of Measure V and the expiration of the utility user tax
15 resulting in the loss of \$11.2 million in annual revenue and representing a 34% decrease in the City's
16 annual revenues from \$57.8 million in the 2006-07 fiscal year to \$38.1 million in the 2013-14 fiscal
17 year.

18 **Section 3:** Pursuant to Section 2(b) of Article XIII C of the Constitution, Government Code
19 Section 53724, and Elections Code Section 9222, the City Council, by a unanimous vote of the
20 members of the City Council present, hereby calls a special election on March 5, 2013 at which it shall
21 submit to the qualified voters of the City of Rialto a measure, which if approved, will continue the
22 City's utility user tax, a general tax. This measure shall be designated by letter by the San Bernardino
23 County Registrar of Voters. Pursuant to Section 2(b) of Article XIII C of the Constitution,
24 Government Code Section 53724 and Elections Code Section 10400 et seq., the election for this
25 measure shall be consolidated with the election to be conducted on Tuesday, March 5, 2013.

26 **Section 4:** The Ordinance, attached hereto as Attachment 1, proposes to amend the Utility
27 User Tax Ordinance of the City of Rialto, codified as Chapter 3.16 of the Rialto Municipal Code, to
28 continue the utility user tax for an additional five years. The type of tax proposed by the Ordinance is

1 a general tax currently charged utility users in the City of Rialto. The rate of tax to be levied by the
2 Ordinance is eight percent (8%), which is the same rate now in effect. The tax on the affected utility
3 users shall be collected by the City. The date upon which the election shall be held on the issue is
4 March 5, 2013.

5 **Section 5:** The question to be presented to the voters is:

7 Shall the Ordinance to Continue the Utility User Tax for five 8 years be Adopted?	YES	
	NO	

11 **Section 6:** The City Clerk is requested to transmit a copy of the Ordinance to the City
12 Attorney. The City Attorney is directed to prepare an impartial analysis of the measure, not to exceed
13 500 words, showing the effect of the measure on the existing law and the operation of the measure and
14 to transmit the same to the Registrar of Voters as required by law. The impartial analysis shall be
15 printed preceding the arguments for and against the measure.

16 **Section 7:** Arguments for or against the measure and rebuttal arguments shall be submitted
17 and selected as follows:

- 18 a. The last day for submission of primary arguments for or against the measure shall be 14 days from
19 the calling of this election, which is December 11, 2013, pursuant to Election Code Section 9286.
- 20 b. The last day for submission of rebuttal arguments for or against the measure shall 10 days after the
21 final date for submission of primary arguments for or against the measure, which is December 21,
22 2012, pursuant to Election Code Section 9285.
- 23 c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more
24 than five persons.
- 25 d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not
26 more than five persons; those persons may be different persons than the persons who signed the
27 primary arguments.
- 28 e. Pursuant to California Elections Code Section 9282, the City Council or any member thereof

1 authorized by the City Council may prepare and file a written argument in favor of the proposed
2 measure, not to exceed three hundred (300) words, on behalf of the City Council. In the event that
3 an argument is filed against the measure, the Mayor is authorized to prepare a rebuttal argument on
4 behalf of the City Council, which may also be signed by members of the City Council or bona fide
5 associations or by individual voters who are eligible to vote on the measure.

6 f. Pursuant to California Elections Code Section 9285, when the City Clerk has selected the
7 arguments for and against the measure, which will be printed and distributed to the voters, the City
8 Clerk shall send copies of the argument in favor of the measure to the authors of the argument
9 against, and copies of the argument against to the authors of the argument in favor. Rebuttal
10 arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument
11 shall immediately follow the primary argument, which it seeks to rebut.

12 **Section 8:** The Board of Supervisors of the County of San Bernardino is requested to order
13 the County Registrar of Voters to set forth in the voter information portion of all sample ballots to be
14 mailed to the qualified electors of the City of Rialto the full text of the Ordinance and to mail with the
15 sample ballots to the electors printed copies of the full text of the Ordinance, together with the
16 impartial analysis and the primary arguments and rebuttal arguments (if any) for and against the
17 measure, and to provide absentee voter ballots for the election for use by qualified electors of the City
18 who are entitled thereto in the manner provided by law.

19 **Section 9:** The City Clerk is authorized and directed to work with the Office of the
20 Registrar of Voters as needed in order to properly and lawfully conduct the election. The ballots to be
21 used in the election shall be in form and content as required by law. The Office of the Registrar of
22 Voters is authorized to canvass the returns of the general municipal election. In all particulars not
23 recited in this Resolution, the election shall be held and conducted as provided by law for holding
24 municipal elections.

25 **Section 10:** The Board of Supervisors of San Bernardino County is requested to instruct the
26 Office of the Registrar of Voters to provide such services as may be necessary for the holding of the
27 consolidated election. The election shall be held in all respects as if there were only one election. The
28 City of Rialto recognizes that the County will incur additional costs because of this consolidation and

1 agrees to reimburse the County for those costs. The City Administrator is hereby authorized and
2 directed to expend the necessary funds to pay for the City's cost of placing the measure on the election
3 ballot.

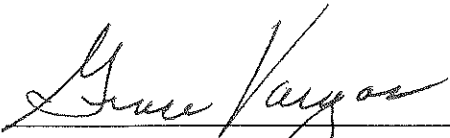
4 **Section 11:** The City Clerk is directed to file certified copies of this Resolution with the
5 Board of Supervisors and the Registrar of Voters of San Bernardino County, together with the attached
6 Ordinance (Attachment 1).

7 **Section 12:** The jurisdictional boundaries of the City of Rialto have not changed since the
8 last general municipal election.

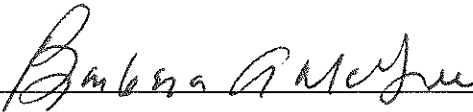
9 **Section 13:** The approval of this Resolution is exempt from the California Environmental
10 Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et
11 seq., "CEQA Guidelines"). The transactions and use tax to be submitted to the voters is a general tax
12 that can be used for any legitimate governmental purpose; it is not a commitment to any particular
13 action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the
14 meaning of CEQA because it creates a government funding mechanism that does not involve any
15 commitment to any specific project that may result in a potentially significant physical impact on the
16 environment. If revenue from the tax were used for a purpose that would have either such effect, the
17 city would undertake the required CEQA review for that particular project. Therefore, pursuant to
18 CEQA Guidelines section 15060 CEQA analyses is not required.

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1 PASSED APPROVED AND ADOPTED this 3rd day of December, 2012.

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5 GRACE VARGAS, Mayor

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8 ATTEST:

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11 BARBARA McGEE, City Clerk

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14 APPROVED AS TO FORM:

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18 JIMMY L. GUTIERREZ, City Attorney
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Resolution No. 6199 was duly passed and adopted at a special meeting of the City Council of the City
6 of Rialto held on the 3rd day of December, 2012.

7 Upon motion of Council Member Scott, seconded by Council Member Robertson, the
8 foregoing Resolution No. 6199 was duly passed and adopted.

9 Vote on the motion:

10 AYES: Mayor Vargas, Council Members: Scott, Robertson, Baca Jr., Palmer

11 NOES: None

12 ABSENT: None

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14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
15 Rialto this 4th day of December, 2012.

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18 BARBARA MCGEE, CITY CLERK

1 **AN ORDINANCE OF THE CITY OF RIALTO, CALIFORNIA, TO**
2 **EXTEND THE UTILITY USER TAX FOR FIVE YEARS**

3 THE PEOPLE OF THE CITY OF RIALTO DO ORDAIN AS FOLLOWS:

4 **Section 1.** The provisions of Chapter 3.16 of the Rialto Municipal Code, as adopted by
5 Ordinances 1340, 1398 and 1407, are hereby extended in their entirety for five additional years by
6 amending the last sentence of Section 3.16.230 of the Rialto Municipal Code to read as follows:

7 **“This chapter shall be of no further force and effect at eleven fifty-nine p.m.**
8 **(11:59 p.m.) on June 30, 2018.”**

9 **Section 2.** The provisions of this Ordinance are severable and if any provision, clause,
10 sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person
11 or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or
12 impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the
13 ordinance or their applicability to other persons or circumstances.

14 **Section 3.** This Ordinance shall be considered adopted on the date that the City Council
15 declares the results of the election at which it was voted upon and shall be effective ten days
16 thereafter.

17 **Section 4.** The City Clerk of the City of Rialto shall cause this Ordinance to be posted in
18 the manner required by law.

19 **Section 5.** The approval of this Ordinance is exempt from the California Environmental
20 Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et
21 seq., “CEQA Guidelines”). This Ordinance amends the City’s Business License Tax, which is a
22 general tax that can be used for any legitimate governmental purpose; it is not a commitment to any
23 particular action. As such, under CEQA Guidelines section 15378(b)(4), the Ordinance is not a
24 project within the meaning of CEQA because it creates a government funding mechanism that does
25 not involve any commitment to any specific project that may result in a potentially significant
26 physical impact on the environment. If revenue from the tax were used for a purpose that would have
27 either such effect, the city would undertake the required CEQA review for that particular project.
28 Therefore, pursuant to CEQA Guidelines section 15060 CEQA analyses is not required.