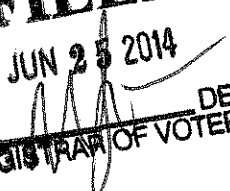




**FILED**  
JUN 25 2014  
BY  DEPUTY  
REGISTRAR OF VOTERS

## 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:

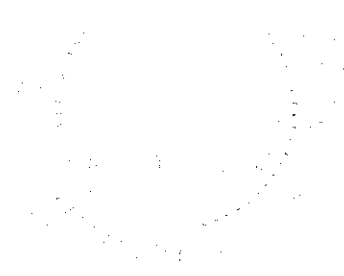
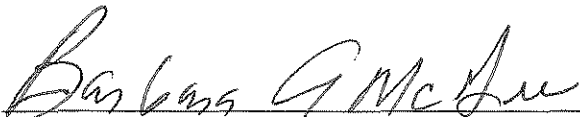
**RESOLUTION NO. 6580 OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF RIALTO OF A MEASURE TO ESTABLISH A BUSINESS LICENSE TAX ON WHOLESALE LIQUID FUEL STORAGE FACILITIES AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014 AS CALLED BY RESOLUTION NO. 6584.**

*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*

**June 25, 2014**

  
  
Barbara A. McGee  
City Clerk, City of Rialto

**FILED**

JUN 25 2014

BY  DEPUTY REGISTRAR OF VOTERS

RESOLUTION NO. 6580

1  
2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO,  
3 CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED  
4 ELECTORS OF THE CITY OF RIALTO OF A MEASURE TO ESTABLISH A  
5 BUSINESS LICENSE TAX ON WHOLESALE LIQUID FUEL STORAGE  
6 FACILITIES AT THE GENERAL MUNICIPAL ELECTION TO BE HELD  
7 ON TUESDAY, NOVEMBER 4, 2014, AS CALLED BY RESOLUTION NO.  
8 6584

9 WHEREAS, the Rialto City Council finds that the City's future revenues will be  
10 insufficient to meet the cost of the City's current level of city service needs, which without additional  
11 revenues will necessitate continued deferral of essential capital and maintenance projects, including  
12 street maintenance, park enhancements and expansion, and general facility maintenance and  
13 expansion, and therefore seeks to call an election to allow the voters of the City of Rialto to adopt  
14 a tax measure on wholesale liquid fuel storage facilities that will increase revenues without placing a  
15 burden on the residents of the City of Rialto; and

16 WHEREAS, like all other cities in San Bernardino County, the City of Rialto has  
17 experienced large reductions in its traditional revenues over the past six years due to the downturn  
18 in the economy that exceed eight million dollars (\$8,000,000) including a 20% reduction in  
19 property taxes, a 17% reduction in sales taxes and a 17% reduction in in lieu property taxes;  
20 however, through prudent fiscal management the City currently operates with a balanced budget;  
21 and

22 WHEREAS, the City of Rialto has been able to fund city services from the City's reserves  
23 in the past, and the current fiscal year will be balanced by sacrificing the City's capital  
24 replacement and facility maintenance programs. However, further deterioration of City roads,  
25 parks and other public facilities will continue unless new sources of revenues are realized;  
26 and

27 WHEREAS, the Rialto City Council welcomes the opportunity of allowing the residents of  
28 the City of Rialto to determine their desired level of city services as well as the source of revenues to

1 support that level of city services; and

2 **WHEREAS**, the proposed business license tax shall be designated as the Rialto  
3 2014 Wholesale Liquid Fuel Storage Measure ("Measure"); and

4 **WHEREAS**, the Measure is a general tax not exclusively dedicated to any purpose but may  
5 be used by the City in its general fund budget for any and all necessary expenses; and

6 **WHEREAS**, the County of San Bernardino is holding a consolidated statewide general  
7 election on Tuesday, November 4, 2014, which also is the regularly scheduled general election for two  
8 Members of the Rialto City Council; and

9 **WHEREAS**, Section 2(b) of Article XIII C of the California Constitution, Sections  
10 37101, 53723 and 53724 of the California Government Code and Section 9222 of the California  
11 Elections Code authorize the Rialto City Council, by a two-thirds vote of all members of the City  
12 Council, to submit to the voters of the City of Rialto, without a petition therefore, a Measure for the  
13 amendment or enactment of any ordinance that would permit an increase of a general tax, to be  
14 voted upon at a regular election; and if the Measure submitted receives a majority of the votes  
15 cast on it at the election, the ordinance shall be amended or enacted accordingly; and

16 **NOW, THEREFORE**, the City Council of the City of Rialto does hereby resolve, declare,  
17 determine and order as follows:

18 Section 1. The foregoing recitals are true and correct and are incorporated herein by  
19 reference.

20 Section 2. Pursuant to Section 2(b) of Article XIII C of the Constitution, Government Code  
21 Section 53724, and Elections Code Section 9222, the City Council of the City of Rialto, by a two-  
22 thirds vote of all the members of the City Council, hereby submits to the qualified voters of the City  
23 the Measure, which if approved, would increase the City's business license tax, a general tax, on  
24 businesses engaged in the business of operating, leasing, supplying or providing a liquid storage  
25 facility, as authorized by Section 37101 of the California Government Code. This Measure shall be  
26 designated by letter by the San Bernardino County Registrar of Voters. Pursuant to Section 2(b) of  
27 Article XIII C of the Constitution, Government Code Section 53724 and Elections Code Section 10400  
28 et seq., the election for this Measure shall be consolidated with the General Election to be conducted

1 on Tuesday, November 4, 2014, as called by Resolution No. 6584 concurrently herewith approved.

2 Section 3. The Measure, contained in the Ordinance attached hereto as  
3 Attachment 1, proposes to amend the City's business license tax ordinance contained in Chapter  
4 5.04 of the Rialto Municipal Code. The Ordinance proposes to establish business license  
5 tax on businesses engaged in the business of owning, operating, leasing, supplying or providing a  
6 liquid storage facility. The type of tax proposed by the Ordinance is an increase to the  
7 general tax currently charged businesses in the City of Rialto. The rate of tax to be levied by the  
8 Ordinance is a tax on the wholesale liquid fuel storage capacity of the affected businesses. The tax  
9 on the affected businesses shall be collected by the City upon issuance of a new business license  
10 or upon the renewal of a business license. The date upon which the election shall be held on  
11 the issue is November 4, 2014

12 Section 4. The question to be presented to the voters is:

Shall the City establish an annual business license tax on wholesale liquid fuel storage facilities of up to	<b>YES</b>	
\$1.00 per cubic foot of liquid storage capacity?	<b>NO</b>	

17  
18 Section 5. The City Clerk is requested to transmit a copy of the Ordinance to the City  
19 Attorney. The City Attorney is directed to prepare an impartial analysis of the Measure, not to  
20 exceed 500 words, showing the effect of the Measure on the existing law and the operation of the  
21 Measure and to transmit the same to the Registrar of Voters as required by law. The impartial  
22 analysis shall be printed preceding the arguments for and against the Measure.

23 Section 6. Arguments for or against the Measure and rebuttal arguments shall be  
24 submitted and selected as follows:

25 a. The last day for submission of primary arguments for or against the Measure shall be  
26 August 21, 2014.

27  
28 b. The last day for submission of rebuttal arguments for or against the Measure shall be

1 August 26, 2014.

- 2
- 3 c. Primary arguments shall not exceed three hundred (300) words and shall be signed by
- 4 not more than five persons.
- 5
- 6 d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by
- 7 not more than five persons; those persons may be different persons than the persons who
- 8 signed the primary arguments.
- 9
- 10 e. Pursuant to California Elections Code Section 9282, the Mayor is hereby
- 11 authorized to prepare and file a written argument in favor of the proposed Measure, not
- 12 to exceed three hundred (300) words, on behalf of the City Council. At the Mayor's
- 13 discretion, the argument may also be signed by members of the City Council or
- 14 bona fide associations or by individual voters who are eligible to vote on the
- 15 Measure. In the event that an argument is filed against the Measure, the Mayor is
- 16 also authorized to prepare a rebuttal argument on behalf of the City Council, which
- 17 may also be signed by members of the City Council or bona fide associations or by
- 18 individual voters who are eligible to vote on the Measure.
- 19
- 20 f. Pursuant to California Elections Code Section 9285, when the City Clerk has selected
- 21 the arguments for and against the Measure, which will be printed and distributed to the
- 22 voters, the City Clerk shall send copies of the argument in favor of the Measure to the
- 23 authors of the argument against, and copies of the argument against to the authors of the
- 24 argument in favor. Rebuttal arguments shall be printed in the same manner as the primary
- 25 arguments. Each rebuttal argument shall immediately follow the primary argument, which
- 26 it seeks to rebut.

27 Section 7. The Board of Supervisors of the County of San Bernardino is requested

28 to order the County Registrar of Voters to set forth in the voter information portion of all sample

ballots to be mailed to the qualified electors of the City of Rialto the full text of the Ordinance and to

mail with the sample ballots to the electors printed copies of the full text of the Ordinance, together


1 with the impartial analysis and the primary arguments and rebuttal arguments (if any) for and against  
2 the Measure, and to provide absentee voter ballots for the election for use by qualified electors of the  
3 City who are entitled thereto in the manner provided by law.

4 Section 8. The City Clerk is authorized and directed to work with the Office of the  
5 Registrar of Voters as needed in order to properly and lawfully conduct the election. The ballots to be  
6 used in the election shall be in form and content as required by law.

7 Section 9. The City Administrator is hereby authorized and directed to expend  
8 the necessary funds to pay for the City's cost of placing the Measure on the election ballot.

9 Section 10. The City Clerk is directed to file certified copies of this Resolution with the  
10 Board of Supervisors and the Registrar of Voters of San Bernardino County, together with the  
11 attached Ordinance (Attachment 1).

12 **PASSED APPROVED AND ADOPTED** this 24th day of June, 2014.

13  
14  
15   
16 **DEBORAH ROBERTSON, Mayor**

17 **ATTEST:**

18   
19 **BARBARA A. McGEE, City Clerk**

20  
21 **APPROVED AS TO FORM:**

22   
23 **FRED GALANTE, City Attorney**

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF RIALTO )

4 I, Barbara A. McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing  
5 Resolution No. 6580 was duly passed and adopted at a regular meeting of the City Council of the City  
6 of Rialto held on the 24th day of June, 2014.

7 Upon motion of Council Member Baca Jr., seconded by Council Member Palmer, the foregoing  
8 Resolution No. 6580 was duly passed and adopted.

9 Vote on the motion:

10 AYES: Mayor Robertson, Council Members: Palmer, Baca Jr., O'Connell, Hirtz

11 NOES: None

12 ABSENT: None

13  
14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of  
15 Rialto this 25th day of June, 2014.

16  
17  
18   
19 BARBARA A. MCGEE, CITY CLERK

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF RIALTO,  
CALIFORNIA ADOPTING THE RIALTO 2014 WHOLESALE  
LIQUID FUEL STORAGE MEASURE, AMENDING CHAPTER 5.04  
OF THE RIALTO MUNICIPAL CODE TO ESTABLISH A BUSINESS  
LICENSE TAX ON WHOLESALE LIQUID FUEL STORAGE  
FACILITIES**

WHEREAS, on November 4, 2014, the voters of the City of Rialto approved Measure \_\_\_\_\_; and

WHEREAS, on \_\_\_\_\_, the Rialto City Council declared the results of the election held on November 4, 2014, in which Measure \_\_\_\_\_ was approved by the voters of the City of Rialto.

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

**Section 1. Title.** This ordinance shall be known and may be cited as the Rialto 2014 Wholesale Liquid Fuel Storage Measure.

**Section 2. Amendment to Rialto Municipal Code Chapter 5.04.** A new Section 5.04.028 is added to the Rialto Municipal Code to read in its entirety as follows:

“Section 5.04.028. Wholesale Liquid Fuel Storage Facilities.

- A. Any person engaged in the business of owning operating, leasing, supplying or providing a wholesale liquid fuel storage facility shall pay an annual business license tax of up to One Dollar (\$1.00) per year for each One (1) cubic foot of liquid fuel storage capacity.
- B. For purposes of this Chapter, "fuel" means and includes all combustible gases and liquids suitable for the generation of power, heat or energy for propulsion of motor vehicles, whether refined petroleum, coal or synthetically produced or manufactured. Fuel includes all types of gasoline, gasoline blendstocks, diesel, heating oil, kerosene, ethanol, propane, natural gas, and any bio-fuels manufactured, refined or derived from plant based cellulose or other carbon based materials.
- C. The annual amount of the business license tax payable by any person pursuant to Section 5.04.028(A) shall be reduced by the amount of sales or use tax received by the city attributable to such person based on sales of fuel using the wholesale liquid fuel storage facilities as the point of sale, during the same calendar year (the “sales tax credit”).
- D. The business license tax on wholesale liquid fuel storage facilities shall be assessed and collected pursuant to Chapter 5.04.
- E. The City Council may, by resolution, adopt administrative regulations or policies to implement this Section 5.04.028.”



**Section 3.** Amendment to Rialto Municipal Code Section 5.04.070. Section 5.04.070 of the Rialto Municipal Code is amended to read in its entirety as follows:

“Section 5.04.070. Businesses paying franchise fee. For businesses which pay a franchise fee to the city, no business license fee will be assessed. This exemption shall not apply to businesses subject to the business license tax on wholesale liquid fuel storage facilities set forth in Section 5.04.028.”

**Section 4. Purpose.** The purpose of this tax on wholesale liquid fuel storage facilities is to raise revenue for general fund expenditures. Examples of some general fund expenditures includes: obtaining, providing, operating, maintaining and expanding essential fire and police protection services facilities and equipment; paying the salaries and benefits to fire protection and police personnel; and for such services, expenses, capital improvements and other general city expenses, as determined by the City Council within the Council discretion for general fund expenditures.

**Section 5. Special Account.** Upon the effective date of this tax, the City’s Finance Director is hereby directed to create a separate account into which all revenue raised by this tax shall be placed. The City's Finance Director shall report to the City Council the collection of revenues and shall deposit funds into the City of Rialto general fund as necessary.

**Section 6.** The City Council shall establish the amount of the tax annually by resolution each fiscal year in amounts not to exceed the maximum amounts specified herein. In no case shall the amount of the tax to be levied in any fiscal year exceed the maximum amount authorized herein without the approval of the voters.

**Section 7.** The provisions of this ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

**Section 8.** This ordinance shall be considered adopted on the date that the City Council declares the results of the election at which it was voted upon and shall be effective ten days thereafter.

**Section 9.** The City Clerk of the City of Rialto shall cause this ordinance to be posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
DEBORAH ROBERTSON, Mayor

ATTEST:

---

BARBARA McGEE, City Clerk

APPROVED AS TO FORM

---

FRED GALANTE, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF RIALTO )

I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Upon motion of Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, the foregoing Ordinance No. \_\_\_\_\_ was duly passed and adopted.

Vote on the Motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Barbara A. McGee, City Clerk