

RESOLUTION NO. 15-112

**FILED**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA AUTHORIZING AND SETTING A SPECIAL ELECTION FOR THE ADOPTION OF A SPECIAL TAX WITHIN THE BOUNDARIES OF WEST-SIDE NEIGHBORHOOD PARKS AND STREET LIGHTING FACILITIES DISTRICT NO. 1 OF THE CITY OF RANCHO CUCAMONGA FOR CERTAIN TYPES OF SERVICES AND FACILITIES AND SUBMITTING THE SPECIAL TAX TO THE QUALIFIED VOTERS OF SUCH COMMUNITY FACILITIES DISTRICT

JUN 15 2015  
BY                      DEPUTY  
REGISTRAR OF VOTERS

**WHEREAS**, pursuant to Section 53325.1 of the California Government Code, the City Council (the "City Council") of the City of Rancho Cucamonga ("the City") has adopted a resolution establishing West-Side Neighborhood Parks and Street Lighting Community Facilities District No. 1 of the City of Rancho Cucamonga, County of San Bernardino, State of California (the "District") and the boundaries thereof (the "Resolution of Formation"); and

**WHEREAS**, notice of a public hearing relating to the establishment of the District, the extent of the District, the financing of certain types of public services and facilities and all other related matters has been given, and a Community Facilities District Report, as ordered by this City Council, has been presented to this City Council and has been made a part of the record of the hearing to establish the District; and

**WHEREAS**, all communications relating to the establishment of the District, the financing of certain types of services and facilities and the proposed rate and method of apportionment of the special tax have been presented, and it has further been determined that a majority protest as defined by law has not been received against these proceedings; and

**WHEREAS**, inasmuch as there are more than twelve (12) registered voters residing within the territory of the District, the authorization to levy special taxes within the District shall be submitted to the registered voters of the District, such registered voters being the qualified electors as authorized by law; and

**WHEREAS**, pursuant to Sections 53326 and 53350 of the California Government Code, it is necessary that the City Council submit to the voters of the District the proposition relating to the annual levy of special taxes on the property within the District; and

**WHEREAS**, pursuant to Section 53353.5(a) of said Code, propositions relating to the levy of a special tax, and to establish an appropriations limitation may be combined into one ballot proposition as determined by the City Council; and

**WHEREAS**, based on all of the information presented, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that formation of the District and the authorization to levy the special tax within the District do not constitute a project under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 and following) and therefore no further CEQA review is required.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rancho Cucamonga:

**SECTION 1. Findings.** The City Council finds that: (i) the foregoing recitals are correct; (ii) more than 12 persons have been registered to vote within the territory of the District during the 90 days preceding the close of the public hearing on July 1, 2015; (iii) pursuant to Section 53326

of the California Government Code, as a result of the findings set forth in clause (ii) above, the vote in the special election called by this resolution shall be by registered voters within the District; (iv) each registered voter shall have one vote; and (v) the City Clerk of the City has consented to the holding of said consolidated special elections on November 3, 2015.

**SECTION 2. Call of Election.** The City Council hereby calls and schedules consolidated special election for November 3, 2015 within and for the District on the proposition of (i) proposition with respect to the annual levy of special within the District to finance certain public services and facilities, and (ii) the proposition with respect to establishing an appropriations limit for the District. Pursuant to Section 53353.5, such propositions shall be combined into one ballot proposition.

**SECTION 3. Propositions.** The proposition to be submitted to the qualified voters of the District at such special election shall be in the following form:

To maintain safe, clean, quality, well-lit streets, parks, playgrounds and recreation areas/facilities/restrooms, remove graffiti/trash and acquire/maintain street lights and other facilities, shall the City of Rancho Cucamonga replace existing assessments with a special tax to be levied within Community Facilities District No. 1 and establish an annual appropriations limit as provided in the rate and method of apportionment set forth in City's Resolution No. 15-111, which require annual audits, senior discounts, and independent citizen oversight?

YES \_\_\_\_\_

NO \_\_\_\_\_

**SECTION 4. Conduct of Elections.** Except as otherwise provided in Section 5 hereof, said election shall be conducted by the City Clerk of the City pursuant to the California Elections Code governing elections of cities, and in particular, the provisions of Division 4 (commencing with Section 4000) of said Code, insofar as they may be applicable.

**SECTION 5. Election Procedures.** The polls shall be open for said election between the hours of 7:00 a.m. and 8:00 p.m. The election shall be conducted by the City Clerk or Registrar of Voters of the County of San Bernardino, if such election is consolidated with a County election. Except as otherwise provided by the Act, the election shall be conducted at polling places and in accordance with the provisions of law regulating elections of the District insofar as such provisions are determined by the election official to be applicable. All ballots shall be received by, and the election official shall close the election by, 8:00 p.m. on the Election Day. Pursuant to Section 53326 of the Act, the ballots for the special election shall be distributed in person (or by mailed absentee ballot) to the registered voters within the District.

The City Council hereby directs the City Clerk and/or Registrar of Voters of the County of San Bernardino, election is consolidated with a County election to do all things and proper for the conduct of the election, including but not limited to: establishing precinct boundaries and polling places, selecting and employing election officials; publication of notices; preparation and distribution of sample ballots; distribution of printed arguments for and against the measure; the conduct of the election; the counting of ballots and canvassing and certification of the election results. The City Clerk is authorized to procure such services to conduct the election as deemed necessary and proper.

In accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, the City Council requests the City Clerk to receive arguments for or against the ballot propositions and establish a deadline as the date after which no arguments for or against the ballot propositions may be submitted to the City Clerk.

The City Clerk is hereby directed to cause to provide notice of intention and title and summary of the proposed measure in a newspaper of general circulation circulating of the proposed measure as specified in Election Code 9205.

**SECTION 6. Arguments and Analysis.**

a. **Impartial Analysis.** That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the City. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of the measure. If you desire a copy of the ordinance or measure, please call the City Clerk of the City of Rancho Cucamonga at (909) 477-2700 and a copy will be mailed at no cost to you. The impartial analysis shall be filed with the City Clerk no later than August 17, 2015.

b. **Arguments.** Pursuant to Elections Code section 9286, the City Clerk shall fix and determine a reasonable date prior to the election for the submission to the City Clerk of an argument in favor of and against the ballot measures, and additional rebuttal arguments pursuant to Elections Code section 9287. Direct arguments shall not exceed three hundred words and shall be signed by not more than five persons. Rebuttal arguments shall not exceed 250 words in length. Any arguments shall be accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including August 20, 2015, after which no arguments for or against the ballot measure may be submitted to the City Clerk. All arguments concerning measure shall be accompanied by the "Form of Statement to Be Filed by Author of Argument" pursuant to Elections Code Section 9600, and signed by each proponent and by each author.

c. **Rebuttal Arguments.** A rebuttal may not be signed by more than five authors. The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or 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, not more than 10 days after the final date of filing direct arguments. The rebuttal arguments shall be accompanied by the "Form of Statement to Be Filed by Author of Argument" pursuant to Elections Code Section 9600 and signed by each proponent and by each author.

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 7. Placement on the Ballot.** The City Clerk is hereby authorized and directed to take all steps necessary to place the ballot measure on the ballot and to cause the ballot measure to be printed and shall act as the filing authority for arguments. The full text of the Resolution of Formation shall be printed in the voter pamphlet, and a statement shall be printed

in the ballot pursuant to Section 9295 of the Elections Code advising voters that they may obtain a copy of this Resolution and/or ballot measures, at no cost, upon request made to the City Clerk.

**Section 8.**           **Notice.** Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed and directed to give such further or additional notice, in the time, form and manner required by law. The Registrar of Voters is hereby requested to publish any further or additional notice as required by law.

**Section 9.**           **Delivery of Resolution to County.** The City Council directs the City Clerk to deliver copies of this Resolution to the Clerk of the Board of Supervisors of the County and to the Registrar of Voters.

**Section 10.**          **Severability.** If the ballot measure authorizing the District's special tax to finance the services and facilities is approved by the qualified voters of the District, the special tax shall not apply to any person, entity, or property as to whom or which it is beyond the power of the District to impose the tax herein provided. If for any reason any provision of this Resolution or the application thereof is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the District by a Court of competent jurisdiction, the balance of this Resolution and the application of the special tax to the remaining parcels within the District shall not be affected and, to this end, the provisions of this Resolution are severable.

**Section 11.**          **Successors.** To the fullest extent permitted by law, the proposed measure, if approved by the qualified voters of the District, and its special tax authorization and authority shall be binding upon any successors in interest to the District.

**Section 12.**          **Effective Date of Special Tax.** Pursuant to California Constitution article XIII C section (2) (d) and California Government Code section 53724, if two-thirds of the qualified voters voting in the election on the Proposition to authorize the special tax to finance the services and facilities and the establishment of the appropriations limit, vote in favor of such Proposition, the provisions regarding the proposed special tax as set forth therein shall be deemed valid and binding. The proposed special tax shall be considered as adopted upon the date that the vote is declared by the City Council, and shall go into effect July 1, 2016.

**Section 13.**          **CEQA.** Special tax monies raised pursuant to the Ballot Ordinance are exempt from environmental analysis under the California Environmental Quality Act pursuant to Public Resources Code Section 21080 (b)(8) since the proceeds of the special tax will be used for: (a) meeting operating expenses, including employee wage rates and fringe benefits; (b) purchasing or leasing supplies, equipment or materials; (c) meeting applicable financial reserve needs and requirements; and/or (d) obtaining funds for capital projects necessary to maintain service within existing service areas.

**Section 14.**          **Notice.** A public hearing was held on July 1, 2015, the notice of which was published in the Daily Bulletin on June 16, 2015.

**Section 15.**          **Resolution.** This Resolution shall take effect immediately upon its adoption. This Resolution shall be published in a newspaper of general circulation within ten (10) days of its adoption.

**Section 16.**          **Effective Date.** This Resolution shall take effect upon adoption.

**Section 17.**          **Execution of Resolution.** The Mayor shall sign this Resolution and the City Clerk shall certify to the passage and adoption of this Resolution.

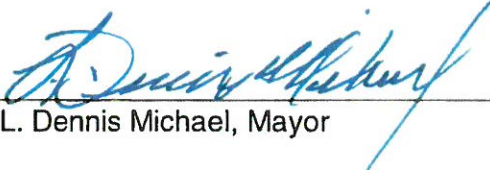
**PASSED, APPROVED, AND ADOPTED** this 1<sup>st</sup> day of July 2015.

**AYES:** Alexander, Kennedy, Michael, Spagnolo, Williams

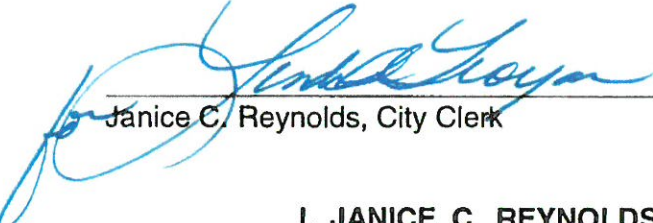
**NOES:** None

**ABSENT:** None

**ABSTAINED:** None

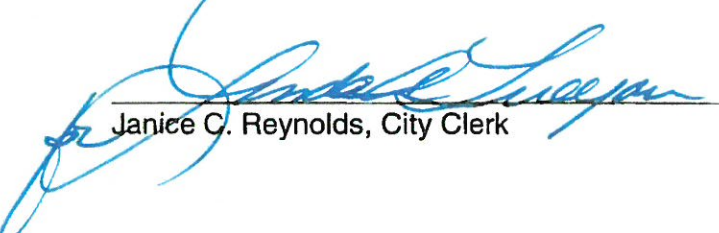
  
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L. Dennis Michael, Mayor

**ATTEST:**

  
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Janice C. Reynolds, City Clerk

I, **JANICE C. REYNOLDS, CITY CLERK** of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the City Council of the City of Rancho Cucamonga, California, at a Regular Meeting of said City Council held on the 1<sup>st</sup> day of July 2015.

Executed this 1<sup>st</sup> day of July 2015, at Rancho Cucamonga, California.

  
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Janice C. Reynolds, City Clerk