

MAY 04 2017

BY TC DEPUTY  
REGISTRAR OF VOTERS**RESOLUTION NO. 4867-2017****A RESOLUTION OF THE CITY OF BARSTOW CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 7, 2017 TO PRESENT TO VOTERS A MEASURE TO LEVY A TRANSACTIONS AND USE TAX OF ONE-HALF OF ONE PERCENT**

**WHEREAS**, the Barstow Fire Protection District ("Fire District") provides access for both fire and medical aid response to the citizens of Barstow and to the millions of travelers who pass through Barstow annually; and

**WHEREAS**, the City of Barstow ("City") is contained almost entirely within the Fire District's boundaries; and

**WHEREAS**, the Fire District informs the City of Barstow that it has been unable to keep up with the growth in the demand for services, and in the cost of providing services to the residents and non-residents of the Fire District and the City with adequate firefighters to meet the minimum recommended standards for responding to a fire in a residence or commercial building; and

**WHEREAS**, in addition to fire prevention and fighting fires, firefighters are the first responders to medical emergencies, including response to traffic accidents and medical aid emergencies resulting from the approximately 60,000,000 people traveling through Barstow enroute to/from Las Vegas, and non-resident employees, in addition to the residents of Barstow;

**WHEREAS**, the Fire District operations are funded primarily by property taxes paid by the property owners in the Fire District; and

**WHEREAS**, the Fire District has operated at a significant deficit since Fiscal Year 2013/14 due to the combined impact of reduced property taxes and increased costs of providing services and is expected to continue to operate at a significant deficit without substantial corrective action; and

**WHEREAS**, the Fire District revenue does not support expenditures to sustain the current level of service or provide for future growth, does not allow for stability and sustainability, and does not allow the Fire District to continue providing service as it does today; and

**WHEREAS**, the Fire District's fiscal condition directly impacts its ability to recruit and retain firefighters and paramedics; and

**WHEREAS**, many recipients and potential recipients of the Fire District's services are non-resident employees, travelers, and visitors who are consumers of goods and services in Barstow, but not property owners in Barstow; and

**WHEREAS**, in order to ensure the Fire District's long term sustainability, an additional sustainable revenue source is required that spreads the cost more equitably across the population it serves; and

**WHEREAS**, the additional revenue source must be sufficient to address the costs associated with the increased demand for services, the costs associated with the increased regulatory burden, and the costs associated with the related impacts on equipment and support services, including dispatch services, now and into the future; and

**WHEREAS**, it is unlikely that financial assistance from the State of California is possible, thus a local revenue measure can ensure that funding will be provided and also provide local control over the

funding to ensure there are sufficient fire prevention and paramedic resources to keep the community safe; and

**WHEREAS**, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, articles XIII C and XIII D), an amendment to the State Constitution requiring that all special taxes which are imposed, extended or increased must be approved by a two-thirds vote of the electorate; and

**WHEREAS**, California Revenue and Taxation Code Section 7285.91 authorizes the City of Barstow (the "City") to levy a one-half of one percent special transactions and use tax by ordinance following approval by two-thirds of the City Council and two-thirds of the qualified electors of the City voting in an election on the issue; and

**WHEREAS**, the levying of the transactions and use tax of one-half of one percent would not cause the overall transactions and use tax in the City to exceed two percent in accordance with California Revenue and Taxation Code section 7251.1; and

**WHEREAS**, California Elections Code section 9222 authorizes the City Council to submit to the voters a proposition for the enactment of any ordinance at an election held not less than 88 days after the date of the order of election.

**NOW, THEREFORE, BE IT RESOLVED**, determined, declared, found, and ordered by the City Council of the City of Barstow as follows:

**Section 1. Findings.** The City Council finds that all of the preceding recitals are true and correct.

**Section 2. Call for Special Municipal Election.** Pursuant to the laws of the State of California applicable to general law cities, the City Council of the City of Barstow hereby calls and orders to be held in the City of Barstow, California a Special Municipal Election to be held on November 7, 2017 for the purpose of presenting voters with a proposed transactions and use tax measure in order to fund operating expenses of the Barstow Fire Protection District. If approved, the tax would be administered by the California State Board of Equalization.

**Section 3. Submission of Measure.** Pursuant to Revenue & Taxation Code Section 7285.91, Election Code Section 9222 and Government Code Section 53724, the City Council hereby orders the following question regarding the adoption of an ordinance to be submitted to the voters at the special municipal election called for Tuesday, November 7, 2017:

<p><b>TRANSACTIONS AND USE TAX</b></p> <p>To provide long-term sustainability, adequate resources for emergency response, and more equitably spread the cost of Barstow Fire Protection District's services across the population it serves, including 60,000,000 annual non-resident travelers who consume taxable goods and services in Barstow, shall an ordinance be adopted to increase the sales tax by one-half of one percent, providing \$3.8 million dollars annually, expiring if the Barstow Fire Protection District is transferred to an agency outside the City?</p>	<p>YES</p> <p>NO</p>
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This measure requires the approval of two-thirds of the votes cast.

**Section 4. Ordinance.** The Ordinance being submitted to the voters pursuant to Section 2 of this Resolution is Ordinance No. 952-2017 of the City of Barstow, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

**Section 5. Conduct of Election.** The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. 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 Election.** 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. Impartial Analysis.** Pursuant to California Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk within ten (10) days following the adoption of this Resolution.

**Section 8. Certification.** 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** this 17th day of April, 2017.

  
 Julie Hackbarth-McIntyre, Mayor

**ATTEST:**

  
 JoAnne Cousino, City Clerk



I, JoAnne Cousino, City Clerk of the City of Barstow, do hereby certify that the foregoing Resolution No. 4867-2017 is the actual Resolution duly and regularly adopted by the City Council at a regular meeting on the 17<sup>th</sup> day of April, 2017, by the following vote to wit:

AYES: COUNCIL MEMBERS GRACEY AND HARPOLE; MAYOR PRO TEM  
HERNANDEZ; MAYOR HACKBARTH-MCINTYRE

NOES: NONE

ABSTAIN: COUNCIL MEMBER HARPOLE

ABSENT: NONE

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JoAnne V. Cousino, City Clerk