

AUG 09 2017

BY TC DEPUTY
REGISTRAR OF VOTERS**RESOLUTION NO. 17-051**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, ORDERING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A BALLOT MEASURE TO APPROVE AN ORDINANCE IMPOSING A SPECIAL PUBLIC SAFETY SERVICES TRANSACTIONS AND USE TAX; CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION; REQUESTING THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS PERMIT THE ELECTIONS OFFICE OF THE REGISTRAR OF VOTERS TO CONDUCT SAID ELECTION WITH THE ESTABLISHED CONSOLIDATED ELECTION TO BE HELD ON NOVEMBER 7, 2017; APPROVING ORDINANCE NO. 2371 ADDING CHAPTER 3.06 TO TITLE 3 OF THE VICTORVILLE MUNICIPAL CODE ESTABLISHING AND IMPOSING A SPECIAL ONE-HALF PERCENT (0.5%) TRANSACTIONS AND USE TAX FOR PUBLIC SAFETY SERVICES IF APPROVED BY THE VOTERS; SETTING THE DATE AFTER WHICH NO ARGUMENTS FOR OR AGAINST THE MEASURE MAY BE SUBMITTED TO THE CITY CLERK; AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE

WHEREAS, the City of Victorville seeks to provide a safe community where its residents and businesses can thrive; and

WHEREAS, despite significant cuts to other General Fund areas and the use of reserves to preserve public safety levels during the Great Recession, the City has been increasingly challenged to maintain and enhance public safety service levels, and the collective cost of existing service levels have continued to increase at a much steeper pace compared to General Fund tax revenue recovery out of the recessionary cycle; and

WHEREAS, public safety concerns regarding the local effect of criminal justice reform for early release of non-violent offenders under Propositions 47, 57 and Assembly Bill 109 have been voiced by the community, and the San Bernardino County Sheriff's Department recently reported an increase in violent crime of 20 percent overall in the High Desert area for the first half of calendar year 2017, all of which places an additional burden on local law enforcement resources and reinforces the City Council's desire to add additional deputies to the City's contract with the San Bernardino County Sheriff's Department; and

WHEREAS, a recent study regarding fire service options revealed that incident volumes are exceeding current resources, mostly due to the increase in calls for medical aid, and the City's inability to fully fund current and long-term fire service needs with existing General Fund revenues, including replacement of aging fire apparatus and, at a minimum, staffing/opening Fire Station 315 (constructed in 2008) and adding a second paramedic squad; and

WHEREAS, the City previously eliminated non-sworn/non-safety positions from its contract with the San Bernardino County Fire Protection District and shifted those functions to existing City staff as a means of controlling costs; and

WHEREAS, City Council workshops were held on January 10 and June 6, 2017, to discuss various matters related to fire services, and the City's efforts are ongoing to evaluate the various fire service models for potential efficiencies and cost savings; and

WHEREAS, a City Council workshop was held on February 15, 2017, to discuss available tax and assessment options to supplement funding for public safety services, and further discussion on options available for a special tax measure for public safety on the November 2017 ballot took place during a special City Council meeting held on July 11, 2017; and

WHEREAS, at its regular meeting held on August 1, 2017, the City Council considered a staff report, public testimony and deliberated on the matter of submitting a ballot measure to the voters concerning a special Transactions and Use Tax for public safety purposes; and

WHEREAS, the proposed special tax will be used exclusively for law enforcement (police), fire protection, fire suppression, and emergency medical equipment, programs, facilities, personnel and services (hereinafter "Public Safety Services"); and

WHEREAS, pursuant to California Revenue and Tax Code section 7251 et seq. and 7258.9 et seq., the City Council desires to submit to the voters of the City of Victorville at a Special Municipal Election to be held on November 7, 2017, a proposed ordinance to add Chapter 3.06 to the Victorville Municipal Code to impose a special Transactions and Use Tax that, if approved, would be imposed at a rate of one-half percent (0.5%), or one-half cent (\$0.005) per dollar, on retail sales in the City and would be collected by the California Department of Tax and Fee Administration and remitted to the City; and

WHEREAS, the proposed special tax is a special purpose public safety measure that requires by law that all measure funds are spent on Public Safety Services and cannot be redirected or taken by the City Council for other uses; and

WHEREAS, Article XIIC, Section 2(d) of the California Constitution precludes imposition of any special tax unless that tax is submitted to the electorate and approved by a two-thirds (2/3) vote; and

WHEREAS, it is desirable that the Special Municipal Election be conducted with the established Consolidated Election to be held on November 7, 2017.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the foregoing recitals are true and correct.

Section 2. That the City Council of the City of Victorville does hereby call and give notice of a Special Municipal Election to be held on November 7, 2017, within the jurisdictional boundaries of the City.

Section 3. That pursuant to California Elections Code Section 9222, the City Council does hereby determine that there shall be and there is hereby ordered submitted to the qualified electors of the City at the Special Municipal Election the following question:

CITY MEASURE “ ___ ”: VICTORVILLE PUBLIC SAFETY
SERVICES SPECIAL
TRANSACTIONS AND USE TAX

To address crime issues, respond quickly to fires and medical emergencies, and make Victorville safer by adding 10 new police and 15 new firefighter/paramedics, shall Ordinance No. 2371 be adopted to impose a one-half percent (0.5%) transactions and use (“sales”) tax, estimated to raise \$8.5 million annually, with all funds restricted to use on public safety services within Victorville? YES ___
NO ___

Section 4. That the proposed Transactions and Use Tax is a special tax imposed under the authority of California Revenue and Tax Code Section 7285.91 and requires the approval of a two-thirds (2/3) majority of the qualified electors of the City casting votes in the Special Municipal Election.

Section 5. That this resolution, including the submission to the voters of proposed Ordinance No. 2371 establishing the special Transactions and Use Tax (attached hereto as Exhibit A and incorporated by this reference), must also be approved by a two-thirds (2/3) vote of all members of the City Council in accordance with California Revenue and Tax Code Section 7285.91.

Section 6. That by adopting this resolution, the City Council hereby approves the attached Ordinance No. 2371, the form thereof, and the submission of said ordinance to the voters of the City at the November 7, 2017, Special Municipal Election, such ordinance to become effective immediately upon the approval of a two-thirds (2/3) majority of the voters voting on the measure in the election called by the adoption of this resolution.

Section 7. That Ordinance No. 2371, if subsequently approved by the voters, will establish Chapter 3.06 of the Victorville Municipal Code to impose a special Transactions and Use Tax of one-half percent (0.5%) for exclusive use on Public Safety Services, as heretofore defined, and for no other purpose, to be deposited into a special City fund or account and allocated only for those specific purposes, and that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

Section 8. That any and all members of the Victorville City Council, any individual voter who is eligible to vote on the measure, or a bona fide association of citizens, or any combination of voters associations, are authorized to file written arguments regarding the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting said arguments, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and are authorized to change such arguments up until and including August 24, 2017, the date established by the San Bernardino County Elections Office of the Registrar of Voters, after which no arguments for or against the City measure may be submitted to the City Clerk.

Section 9. That pursuant to Section 9280 of the Elections Code of the State of California, the City Council directs the City Clerk to transmit a copy of the ballot measure to the Victorville City Attorney. The City Attorney shall prepare an impartial analysis of the ballot measure, not to exceed five hundred (500) words in length, showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed by August 21, 2017, the date set by the San Bernardino County Elections Office of the Registrar of Voters for the filing of primary arguments.

Section 10. That pursuant to the requirements of Section 10403 of the Elections Code of the State of California, the Board of Supervisors of the County of San Bernardino is hereby requested to consent and agree to consolidation of the Special Municipal Election with the Consolidated Election to be held on November 7, 2017.

Section 11. That the San Bernardino County Board of Supervisors is hereby requested to issue instructions to the Elections Office of the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

Section 12. That the City of Victorville recognizes that additional costs will be incurred by the County of San Bernardino by reason of this consolidation and agrees to reimburse the County for any such costs.

Section 13. That the City Clerk is authorized, instructed and directed to coordinate with the San Bernardino County Elections Office of the Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 14. That the polls for the election shall be open at seven o'clock a.m. on the day of the election and shall remain open continuously from that time until eight o'clock p.m. on the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

Section 15. That in all particulars not recited in this resolution, the election shall be conducted as provided by law to be used at such election.

Section 16. That notice of the time and place of holding the election is 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 17. That the City Clerk shall certify to the passage and adoption of this resolution, enter it into the book of original resolutions, and is hereby directed to file a certified copy of this resolution with the San Bernardino County Board of Supervisors and Elections Office of the Registrar of Voters.

Section 18. That the City Clerk and City Attorney are hereby authorized to make any typographical, clerical, non-substantive corrections to this resolution as may be deemed necessary by the San Bernardino County Clerk and/or the Elections Office of the Registrar of Voters.

Section 19. That this resolution shall become effective immediately upon its passage by a two-thirds (2/3) vote of the City Council.

Resolution No. 17-051

PASSED, APPROVED AND ADOPTED this 1st day of AUGUST 2017.



MAYOR OF THE CITY OF VICTORVILLE

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY


I, CAROLEE BATES, City Clerk of the City of Victorville and ex-officio Clerk to the City Council of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 17-051 which was adopted at a meeting held on the 1st day of August 2017, by the following roll call vote, to wit:

AYES: Councilmembers Garcia, Cox, Gomez, and Kennedy

NOES: NONE

ABSENT: NONE

ABSTAIN: Councilmember Negrete



CITY CLERK