

FILED

FEB 15 2018

RESOLUTION NO. 7243

BY TU DEPUTY
REGISTRAR OF VOTERS

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2
3 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO,**
4 **CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING**
5 **OF A SPECIAL MUNICIPAL ELECTION ON JUNE 5, 2018, TO VOTE**
6 **ON A MEASURE TO CONTINUE THE UTILITY USER TAX, WITH NO**
7 **SUNSET CLAUSE IN ORDER TO MAINTAIN THE CURRENT LEVEL**
8 **OF CITY SERVICES FOR THE RESIDENTS OF RIALTO; ORDERING**
9 **THE SUBMITTAL OF THE MEASURE TO THE VOTERS AT THE**
10 **SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE**
11 **5, 2018**

12 **WHEREAS**, in 2003, by a simple majority the voters of the City of Rialto approved a Utility
13 Users Tax of 8% for a term of 5 years on telephone, cellular, electricity, gas, sewer, water, and cable
14 television utilities within the City of Rialto for the purpose of raising general fund revenue to provide
15 basic services for residents, including but not limited to, law enforcement and fire protection
16 services; and

17 **WHEREAS**, the voters of the City of Rialto approved extensions of the Utility Users Tax
18 in 2008 and in 2013; and

19 **WHEREAS**, the term of the existing Utility Users Tax is set to expire on June 30, 2018;
20 and

21 **WHEREAS**, extending the term of the Utility Users Tax requires approval of the majority
22 of voters at either a general or special municipal election; and

23 **WHEREAS**, on February 13, 2018, the City Council unanimously adopted Resolution No.
24 7242 declaring a fiscal emergency now exists in the City of Rialto, based upon facts and findings
25 therein, as the term "emergency" is used in Article XIIC, Section 2(b) of the California
26 Constitution; and

27 **WHEREAS**, the City Council is authorized by statute and desires to submit to the voters a
28 ballot measure, which if approved, will continue the City's Utility User Tax, a general tax, with no
sunset clause, and the City Council therefore wishes to have the voters consider the same at a special
municipal election to be held on June 5, 2018.

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

3 **Section 1:** The foregoing recitals are true and correct and are incorporated herein by
4 reference.

5 **Section 2:** Pursuant to Article XIIC, Section 2(b) of the California Constitution,
6 Government Code Section 53724, and Elections Code Sections 306, 9222, and 1301 the City
7 Council hereby calls a special municipal election on June 5, 2018, for the purpose of submitting to
8 the qualified voters of the City of Rialto a measure, which if approved, will continue the City's
9 Utility User Tax, a general tax, with no sunset clause. As required by Elections Code Section 13247,
10 the abbreviated form of the measure to appear on the ballot is specified below. The City Clerk is
11 hereby authorized and directed to make any changes to the text of the proposition or this resolution
12 as required to conform to any requirements of law.

13 **Section 3:** Pursuant to Government Code Section 53724, the measure, contained in the
14 Ordinance attached hereto as Exhibit "A", proposes to amend the Utility User Tax Ordinance of the
15 City of Rialto, codified as Chapter 3.16 of the Rialto Municipal Code, to continue the Utility User
16 Tax, with no sunset clause. The type of tax proposed by the Ordinance is a general tax currently
17 charged to utility users in the City of Rialto. The rate of tax to be levied by the Ordinance is 8%,
18 which is the same rate now in effect. The tax on the affected utility users shall be collected by the
19 City. The date upon which the election shall be held on the issue is June 5, 2018.

20 **Section 4:** The City Council, pursuant to its right and authority, hereby orders that, at
21 the Special Municipal Election on June 5, 2018, the ballot measure concerning the measure
22 discussed above shall be presented and printed upon the ballot submitted to the qualified voters the
23 following question:

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1 2 3 4 5 6	YES	
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	NO	

Section 5: That the text of the Ordinance to be submitted to the voters is attached as Exhibit "A" to this resolution.

Section 6: That the vote requirement for the measure to pass is a majority (50% +1) of the votes cast.

Section 7: That the ballots to be used at the election shall be in form and content as required by law.

Section 8: That the City Clerk is authorized, instructed and directed to coordinate with the Registrar of Voters of the County of San Bernardino ("Registrar") 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.

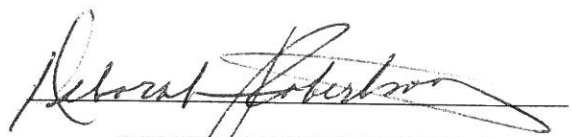
Section 9: Pursuant to California Election Code Section 10242, the polls for the Special Municipal Election shall open at seven o'clock a.m. on the day of the election, and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as otherwise provided in California Election Code Section 14401.

Section 10: That in all particulars not recited in this Resolution, the Special Municipal Election shall be held and conducted in accordance with the provisions of law regulating municipal and statewide elections.

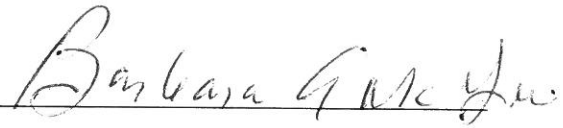
Section 11: That notice of the time and place of holding the Special Municipal Election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in the time, form and manner required by law.

1 **Section 12:** That a City Clerk shall certify to the passage and adoption of this Resolution
2 and enter it into the book of original Resolutions. This Resolution shall be effective immediately
3 upon passage and adoption.

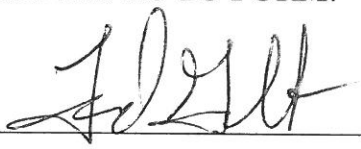
4 **PASSED, APPROVED AND ADOPTED** this 13th day of February, 2018.

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7 **DEBORAH ROBERTSON, Mayor**

8 **ATTEST:**

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11 **BARBARA A. McGEE, City Clerk**

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13 **APPROVED AS TO FORM:**

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16 **FRED GALANTE, City Attorney**

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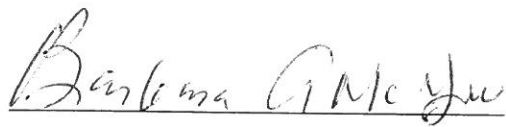
1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Barbara A. McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
6 Resolution No. 7243 was duly passed and adopted at a regular meeting of the City Council of the
7 City of Rialto held on the 13th day of February, 2018.

8 Upon motion of Council Member Baca Jr., seconded by Council Member Trujillo, the
9 foregoing Resolution No. 7243 was duly passed and adopted.

10 Vote on the motion:
11 AYES: Mayor Robertson, Council Members: Scott, Baca Jr., Trujillo, Carrizales
12 NOES: None
13 ABSENT: None
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15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
16 of Rialto this 14th day of February, 2018.

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19 
20 BARBARA A. MCGEE, City Clerk
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