

**FILED**

JUL 18 2018

BY  DEPUTY  
REGISTRAR OF VOTERS

**RESOLUTION NO. 4924-2018**

**A RESOLUTION OF THE CITY OF BARSTOW CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 TO PRESENT TO VOTERS A MEASURE TO LEVY A GENERAL TRANSACTIONS AND USE TAX OF ONE PERCENT AND REQUESTING THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS TO ALLOW THE ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION OF THAT SAME DATE**

**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 California Constitution requiring that all general taxes which are imposed, extended or increased must be approved by a majority vote of the electorate; and

**WHEREAS**, California Revenue and Taxation Code Section 7285.9 authorizes the City of Barstow (the "City") to levy a one percent general transactions and use tax by ordinance following approval by two-thirds of the City Council and a simple majority of the qualified electors of the City voting in an election on the issue; and

**WHEREAS**, the levying of a transactions and use tax 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**, the City is dedicated to providing high quality public safety services, promoting economic development and maintaining local streets and sidewalks; and

**WHEREAS**, the City is the only city in the High Desert with its own police and fire which ensures first responders are available when needed; and

**WHEREAS**, over the past decade, the City of Barstow's revenues have not kept pace with the growing costs associated with providing local municipal services and facilities, including emergency response services provided by the Barstow Fire Protection District, which has operated at a significant deficit since Fiscal Year 2014; and;

**WHEREAS**, in order to address these issues as soon as possible the City Council desires to place a local funding measure on the ballot to provide a stable source of revenue to maintain the City's infrastructure and services;

**WHEREAS**, many recipients and potential recipients of the City'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 City's fiscal stability, an additional revenue source is required that spreads the cost of municipal infrastructure and services more equitably across the population it serves; and

**WHEREAS**, an additional source of local funding is needed to ensure the City keeps its local fire department and that we have enough police, firefighters and paramedics to respond quickly to keep our community safe; and

**WHEREAS**, an additional source of local funding would also maintain streets and repair potholes and help fund senior and youth programs; and

**WHEREAS**, by keeping the City safe, clean and well maintained, if enacted a local funding measure would help protect residents' quality of life and property values; 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.

**WHEREAS**, the November 6, 2018 election ("Election") is a regularly scheduled general election for members of the City Council.

**WHEREAS**, the City Council wishes to call the Election and place a general transactions and use tax measure on the ballot.

**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 General 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 general municipal election to be held on November 6, 2018 for the purpose of presenting voters with a proposed transactions and use tax measure in order to fund general municipal infrastructure and services. If approved, the tax would be administered by the California Department of Tax and Fee Administration.

**Section 3. Submission of Measure.** Pursuant to Revenue & Taxation Code Section 7285.9, 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 general municipal election called for November 6, 2018:

<p><b>PUBLIC SAFETY AND OTHER CITY SERVICES MEASURE</b></p> <p>To provide funding for 911 emergency response times, fire protection/ paramedic services, police services; neighborhood patrols; gang, drug, and crime prevention, maintaining streets, parks, senior/youth programs, shall the City of Barstow adopt an ordinance to increase the sales tax by one percent, providing \$7 million annually, paid by visitors and residents, requiring resident oversight, independent audits, expiring if local police or fire services are transferred to another agency?</p>	<p>YES___</p> <p>NO___</p>
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This measure requires the approval of the majority of votes cast.

**Section 4. Ordinance.** The Ordinance being submitted to the voters pursuant to Section 2 of this Resolution is Ordinance No. 957-2018 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. Consolidation.** The City Council hereby requests the Board of Supervisors of the County of San Bernardino to consolidate the Election with the statewide general election to be held on November 6, 2018.

**Section 9. 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 16th day of July, 2018.

ATTEST:

  
JoAnne V. Cousino  
City Clerk



  
Julie Hackbarth-McIntyre  
Mayor

I, JoAnne Cousino, City Clerk of the City of Barstow, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting on the 16<sup>th</sup> day of July, 2018, by the following vote:

**AYES: COUNCIL MEMBERS HARPOLE, GRACEY, SILVA; MAYOR PRO TEM HERNANDEZ; MAYOR HACKBARTH-MCINTYRE.**

**NOES: NONE.**

**ABSENT: NONE.**

**ABSTAIN: NONE.**

  
JoAnne Cousino, City Clerk