

FILED

RESOLUTION NO. 20-3283

AUG 06 2020

BY  **DEPUTY
REGISTRAR OF VOTERS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ORDERING THE SUBMISSION TO THE VOTERS OF THE CITY OF MONTCLAIR A MEASURE TO CONSIDER A GENERAL TRANSACTIONS AND USE TAX AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AND PROVIDING FOR THE FILING OF ARGUMENTS AND REBUTTAL ARGUMENTS IN FAVOR OF AND AGAINST THE MEASURE

WHEREAS, the City of Montclair is authorized to levy a Transactions and Use Tax ("TUT") for general purposes pursuant to California Revenue and Taxation Code §7285.9, subject to approval by a majority vote of the electorate pursuant to Article XIII(C), §2 of the California Constitution ("Proposition 218"); and

WHEREAS, on November 2, 2004, City voters approved Measure "F," a one-quarter of one percent (¼%) TUT on the sale and/or use of all tangible personal property sold at retail in the City, and

WHEREAS, the City has made efforts to maintain a transparent and open government while controlling costs to make services to the community more efficient; and

WHEREAS, despite cost saving measures the City has employed in recent years to address the ongoing budget deficits, including the consolidation of job duties, significant reductions in staffing levels, and deferment of equipment purchases, the City still projects structural budget deficits in the oncoming fiscal years; and

WHEREAS, pursuant to California Elections Code §9222, the City Council has the authority to place local measures on the ballot to be considered at a Municipal Election; and

WHEREAS, the City Council desires to submit to the voters at the November 3, 2020 General Municipal Election a measure placing a TUT of one percent (1%) on the sale and/or use of all tangible property sold at retail in the City (the "Ordinance"); and

WHEREAS, the one-percent TUT is a general tax, the revenue from which will be placed in the City's general fund and will be used to pay for general City services; and

WHEREAS, a General Municipal Election to be held on Tuesday, November 3, 2020, at which City Council members will be elected, has been called as set forth in Resolution No. 20-3268, adopted by the City Council on June 15, 2020; and

WHEREAS, the City Council has requested the Board of Supervisors of the County of San Bernardino to consolidate the General Municipal Election with the Presidential General Election to be held on Tuesday, November 3, 2020, as set forth in Resolution No. 20-3270, adopted on June 15, 2020 and

WHEREAS, the Ordinance adds a TUT, the revenues from which can fund general needs of the community including keeping the community safe, addressing public health emergencies and homelessness, helping to prevent contamination of local water sources, 9-1-1 emergency response, afterschool and senior programs, street repairs, or any other lawful purpose of the City; and

WHEREAS, pursuant to Government Code § 53724 ("Proposition 62") and Revenue and Taxation Code §7285.9, a two-thirds (⅔) vote of all members of the City-Council is required to place the Measure on the November 3, 2020 ballot; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Montclair as follows:

Section 1. Ballot Measure. Pursuant to the laws of the State of California applicable to general law cities, the City Council of the City of Montclair does hereby order submitted to the voters at the General Municipal Election to be held on November 3, 2020, the following question:

Montclair Essential Services Protection Measure. Shall the measure to protect Montclair’s long-term financial ability to fund general community needs, including keeping Montclair safe; preparing for / recovering from public health emergencies; helping prevent contamination of local water sources; maintaining 911 emergency response; continuing afterschool and senior programs; repairing streets; addressing homelessness; increasing the sales tax by 1¢, providing approximately \$7,000,000 annually until ended by voters; requiring independent financial audits, all funds used locally, be adopted?	YES
	NO

This measure requires the approval of a simple majority (50% plus 1) of those voting and the full text of the referenced measure (Ordinance No. 20-989) is attached hereto as Exhibit A and incorporated into this Resolution by this reference.

Section 2. Impartial Analysis. The City Clerk is directed to transmit copies 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. The impartial analysis shall include a statement indicating the Measure was placed on the ballot by the City Council. There shall be printed immediately below the impartial analysis, in not less than 10-point font bold type, the following: “The above statement is an impartial analysis of Ordinance No. 20-989. If you desire a copy of the ordinance, please call the elections official’s office at (909) 625-9416 and a copy will be mailed at no cost to you.” The impartial analysis shall be filed by 12:00 p.m. on August 17, 2020.

Section 3. Arguments and Rebuttals. Pursuant to Elections Code §9282(b), the City Council authorizes any and all members of its body, an individual voter who is eligible to vote on the measure, a bona fide association of citizens, or a combination of voters and associations, to file a written argument for or against the measure not exceeding 300 words regarding the City measure as specified above, which shall be submitted to the City Clerk no later than 12:00 p.m. on August 17, 2020.

Pursuant to Elections Code §9285, the City Council authorizes the filing of rebuttal arguments for and against measures in the Election. Rebuttal arguments not exceeding 250 words concerning this measure shall be submitted to the City Clerk no later than 6:00 p.m. on August 20, 2020. This Section 3 shall expire with the Election, and shall not authorize rebuttal arguments as to measures presented at any future election.

Section 4. Public Examination. Pursuant to Elections Code §9295, this Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk’s office and City website (www.cityofmontclair.org) of the specific dates that the examination period will run.

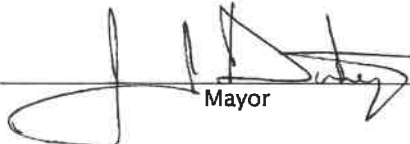
Section 5. CEQA. The adoption of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §21000 et. seq. (“CEQA”) and 14 Cal. Code Reg. §15000 et. seq. (“CEQA Guidelines”). The noticing of a Municipal Election is not a project within the meaning of CEQA Guidelines §15378, subsection (b)(3).

Section 6. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and its approval by the City Council and shall cause the same to be listed in the records of the City and entered into the book of original Resolutions; and shall file with the Board of Supervisors and the Registrar of Voters of the County of San Bernardino, California, a certified copy of this Resolution.


Section 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Montclair hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 8. Effective Date. This Resolution shall take effect immediately upon its adoption as a measure affecting an election.

APPROVED AND ADOPTED this 3rd day of August, 2020.



Mayor



City Clerk

ATTEST:

I, Andrea M. Phillips, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 20-3283 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the 3rd day of August, 2020, and that it was adopted by the following vote, to-wit:

AYES: Martinez, Johnson, Ruh, Raft, Dutrey
NOES: None
ABSTAIN: None
ABSENT: None



Andrea M. Phillips
City Clerk