

**FILED**

**JUL 30 2020**

BY  DEPUTY  
REGISTRAR OF VOTERS

Resolution No. 2020-158

**RESOLUTION NO. 2020-158**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA CALLING FOR THE PLACEMENT OF A GENERAL TAX MEASURE ON THE BALLOT FOR THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF AN ORDINANCE TO ENACT A GENERAL TRANSACTIONS AND USE TAX (SALES TAX) AT THE RATE OF ONE PERCENT (1%)**

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

**WHEREAS**, on November 7, 2006, City voters approved Measure "Z," a one-quarter percent (1/4%) general TUT enacted for a period of fifteen (15) years on the sale and/or use of all tangible personal property sold at retail in the City, with the tax scheduled to sunset on March 31, 2022; and

**WHEREAS**, the City has made effort to maintain a transparent and open government while controlling costs to make services to our 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, sales of assets and deferment of equipment purchases, the City still faces structural budget deficits in the oncoming fiscal years; and

**WHEREAS**, Section 900 of the City Charter provides that City elections shall follow the provisions and procedures of the California Elections Code as applicable to general law cities; and

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

**WHEREAS**, the City Council would like to submit to the voters at the November 3, 2020 General Municipal Election a measure increasing the rate of the TUT from one-quarter percent (1/4%) to one percent (1%) on the sale and/or use of all tangible personal property sold at retail in the City, extending the term of the TUT until it is repealed by voters, and making other conforming amendments, as more specifically set forth in the attached proposed ordinance; and

**WHEREAS**, the one percent (1%) TUT is a general tax, the revenue of which will be placed in the City's general fund and will be used to pay for general City services; and

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**WHEREAS**, on November 6, 1996, the voters of the State of California approved Proposition 218, an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

**WHEREAS**, pursuant to Proposition 218 (California Constitution, Article XIII C, section 2(b)), the general rule is that any local election for the approval of an increase to a general tax must be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

**WHEREAS**, the next regularly scheduled general election at which City Council members will be elected is November 3, 2020; and

**WHEREAS**, pursuant to Government Code section 53724 ("Proposition 62") and Revenue and Taxation Code section 7285.9, a two-thirds (2/3) vote of all members of the City Council is required to place the Measure on the November 3, 2020 ballot; and

**WHEREAS**, the ordinance to be considered by the qualified voters and the terms of approval, collection and use of the general TUT are described and provided for in the ordinance/measure attached hereto as Exhibit "A" (the "Measure") and by this reference made an operative part hereof, in accordance with all applicable laws.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN BERNARDINO:**

**SECTION 1.** Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

**SECTION 2.** Submission of Ballot Measure. Pursuant to California Elections Code section 9222, Government Code section 53724, Revenue and Taxation Code section 7285.9 and any other applicable requirements of the laws of the State of California relating to the City, the City Council, by a two-thirds (2/3) vote of all members, hereby orders the Measure to be submitted to the voters of the City at the General Municipal Election to be held on Tuesday, November 3, 2020.

**SECTION 3.** The City Council, pursuant to California Elections Code section 9222, hereby orders that the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the General Municipal Election to be held on Tuesday, November 3, 2020, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

<p>“To prevent reductions to City services including public safety, 911 emergency response, gang/prostitution prevention programs, street/pothole repairs, park/library maintenance, youth after-school, senior and homelessness programs, cleaning public areas, retaining/attracting businesses, and other general services, shall a measure extending the City of San Bernardino’s sales tax at a one percent rate, providing approximately \$40,000,000 annually until ended by voters, requiring independent audits, oversight, and all funds used locally, be adopted?”</p>	YES
	NO

**SECTION 4.** 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 5.** Pursuant to 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 not later than the deadline for submittal of primary arguments for or against the Measure.

The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the Office of the City Clerk at (909) 384-5002 and a copy will be mailed at no cost to you.”**

**SECTION 6.** Notice of 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.** Placement on the Ballot. The full text of the Measure shall not be printed in the voter information guide, and a statement shall be printed on the ballot pursuant to Elections Code section 9223 advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk.

**SECTION 8.** Filing with County. The City Clerk shall, not later than the 88th day prior to the General Municipal Election to be held on Tuesday, November 3, 2020, file with the Board of

Supervisors and the County Clerk – Registrar of Voters of the County of San Bernardino, State of California, a certified copy of this Resolution.

**SECTION 9.** Public Examination. Pursuant to Elections Code section 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 of the specific dates that the examination period will run.

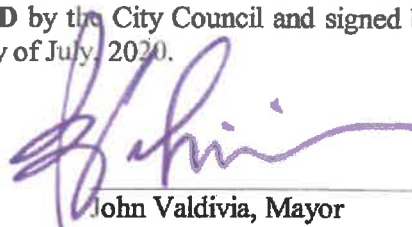
**SECTION 10.** The City Council hereby finds and determines that the Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

**SECTION 11.** Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.


**SECTION 12.** This Resolution shall become effective upon its adoption.

**SECTION 13.** The City Clerk shall certify to the adoption of this Resolution.


**APPROVED and ADOPTED** by the City Council and signed by the Mayor and attested by the Acting City Clerk this 15<sup>th</sup> day of July, 2020.

  
\_\_\_\_\_  
John Valdivia, Mayor  
City of San Bernardino

Attest:

  
\_\_\_\_\_  
Genoveva Rocha, CMC, Acting City Clerk

Approved as to form:

PP.  
  
\_\_\_\_\_  
Sonia R. Carvalho, City Attorney

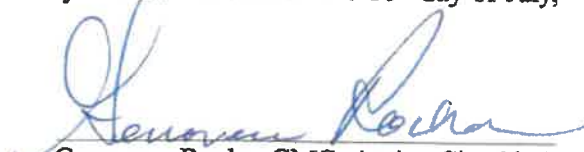
**CERTIFICATION**

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF SAN BERNARDINO        )

I, Genoveva Rocha, CMC, Acting City Clerk, hereby certify that the attached is a true copy of Resolution No. 2020-158, adopted at a regular meeting held on the 15<sup>th</sup> day of July, 2020 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
IBARRA	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
FIGUEROA	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
SHORETT	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
NICKEL	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
RICHARD	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
MULVIHILL	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

WITNESS my hand and official seal of the City of San Bernardino this 16<sup>th</sup> day of July, 2020.

  
Genoveva Rocha, CMC, Acting City Clerk