

RESOLUTION NO. 16-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL, CALIFORNIA, CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN ITS JURISDICTION ON NOVEMBER 8, 2016 FOR THE PURPOSE OF SUBMITTING TO VOTERS A GENERAL TAX MEASURE, TO ESTABLISH A RETAIL TRANSACTIONS AND USE TAX AT THE RATE OF 1/2%; REQUESTING THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE CONDUCTED ON THE SAME DATE AND TO PERMIT THE ELECTIONS DEPARTMENT TO PROVIDE ELECTION SERVICES; AND SETTING RULES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST SAID MEASURE

WHEREAS; the State has taken over \$20 million dollars in funds from Pleasant Hill over the past 10 years through property tax reductions and the dissolution of the City's Redevelopment Agency; and

WHEREAS, voter-approved funding will help to address City service needs that Pleasant Hill residents have indicated are important, including fixing potholes and repairing neighborhood and city streets, roads, and sidewalks; maintaining storm drains; and providing a library that meets current health, safety, fire, and seismic standards; and

WHEREAS, voter-approved funding will provide funds for Pleasant Hill that by law cannot be taken by the State; and

WHEREAS, the proposed measure provides local control over local funds for local needs; and

WHEREAS, Pleasant Hill currently has more than \$14 million dollars in deferred street maintenance and over \$9 million in necessary storm drain improvements, and additional local funds could help ensure that the City can address critical maintenance needs now before costing taxpayers millions more in the future; and

WHEREAS, the Pleasant Hill Library is more than 50 years old and does not meet the safety standards for libraries built today and a seismically safe modern library has been identified as a community priority; and

WHEREAS, the proposed measure requires accountability provisions such as independent citizen oversight, mandatory financial audits, and annual updates to the community so that the public knows exactly how the funds are being spent; and

WHEREAS, the City Council of the City of Pleasant Hill ("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, the TUT is a general tax, the revenue of which is to be placed in the City's general fund and used to pay for important general City services; and

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

WHEREAS, the City Council would like to submit to the voters a measure establishing a TUT for a period of twenty (20) years at a rate of 1/2% on the sale and/or use of all tangible personal property sold at retail in the City; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, Article XIII C), an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be approved by a majority vote of the voters; and

WHEREAS, pursuant to Proposition 218, any general tax measure submitted to the voters must be consolidated with a regularly scheduled election for members of the City Council, unless the City Council places it on a special election, by a unanimous vote, and upon finding that there exists an emergency requiring an election to be conducted earlier than the next regularly scheduled election at which City Council members are to be elected; and

WHEREAS, pursuant to the Pleasant Hill Municipal Code, §2.55.010, the City's regular municipal elections for officers are held on the first Tuesday after the first Monday in November of each even-numbered year. Therefore, the next regularly scheduled General Municipal Election for the election of members of the City Council will be held on Tuesday, November 8, 2016; and

WHEREAS, the City Council also desires to consolidate the election for the ballot measure described herein with the Statewide General Election to be held on November 8, 2016; and

WHEREAS, pursuant to California Elections Code, the City Council further desires to establish rules and regulations for the preparation, submittal and printing of arguments and rebuttals for and against the Measure described herein; and

WHEREAS, the specific terms relating to the TUT tax are provided for in the ordinance to be considered by the qualified voters, attached hereto as Exhibit "A" (the "Ordinance") and by this reference made an operative part hereof, and in accordance with all applicable laws.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Pleasant Hill does hereby declare, determine, and order as follows:

**SECTION 1. Recitals.** The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

**SECTION 2. Submission of Ballot Measure.** Pursuant to California Revenue and Taxation Code Section 7285.9, California Elections Code Section 9222, and any other applicable requirements of the laws of the State of California relating to general law cities, the City Council, by a 2/3 supermajority vote, hereby calls and orders to be held in the City of Pleasant Hill on Tuesday, November 8, 2016, a General Municipal Election for the purpose of submitting the ballot measure ordinance attached hereto as Exhibit "A" and incorporated herein by this reference to the

qualified electors of the City, the “Measure”, with said election to be held and consolidated with the Statewide General Election on Tuesday, November 8, 2016.

**SECTION 3. Ballot Measure.** The City Council, pursuant to its right and authority, does hereby order that the ballot 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 election to be held at the General Municipal Election to be consolidated with the Statewide General Election on Tuesday, November 8, 2016, in addition to any other matters required by law, there shall be printed substantially the following:

“To provide and maintain Pleasant Hill city services and facilities, including fixing potholes, and repairing neighborhood and city streets; replacing the aging library with a 21st century facility including space for after-school homework and tutoring; creating additional walking and biking paths; maintaining storm drains; and other city services; shall the City of Pleasant Hill levy a 1/2 cent sales tax, providing \$4,000,000 annually for 20 years, providing locally controlled funding that cannot be taken by the State?”	YES	
	NO	

**SECTION 4. Election Procedures.**

- A. The City Council consents to the consolidation of the election on this Measure with all other elections being held in the same territory on November 8, 2016, and to hold and conduct the consolidated election in the manner prescribed in Elections Code Section 10418.
- B. The ballots to be used at the election shall be in the form and content as required by law.
- C. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of Contra Costa County is hereby requested to consent to the consolidation of this election with the Statewide General Election on the same date and having the Registrar of Voters render such election services to the City of Pleasant Hill as may be requested by the City Clerk of said City, the County of Contra Costa will be reimbursed in full for such services as are performed.
- D. The election services which the City of Pleasant Hill requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Pleasant Hill; and the performance of such other election services as may be requested by the City Clerk.

- E. The polls for the election shall be open at seven o'clock a.m. of 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 provided in Section 14401 of the Elections Code of the State of California.
- F. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.
- G. 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.
- H. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- I. The Contra Costa County Registrar of Voters is hereby authorized to canvass the returns of said election.
- J. The City Clerk of the City of Pleasant Hill shall receive the canvass as it pertains to the election on the measure, and shall certify the results to the City Council, as required by law.

SECTION 5. Primary Arguments and Impartial Analysis.

- A. Primary Arguments. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed below by the City Clerk, after which no arguments for or against the City measure may be submitted to the City Clerk.
- B. The deadline to submit arguments for or against the City Measure pursuant to this Resolution is declared by the City Clerk to be Monday, August 15, 2016, at 5:00 p.m. Each argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.
- C. Pursuant to Section 9280 of the Elections Code, the City Council 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. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the ballot pamphlet along with the ballot measure as provided by law. The Impartial Analysis shall be filed by the deadline set for filing of primary arguments. 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 portion of the sample ballot, 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 election official’s office at 925-671-5237 and a copy will be mailed at no cost to you.”

SECTION 6. Rebuttals.

- A. Pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than Wednesday, August 24, 2016 at 5:00 p.m. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.
- B. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.
- C. That the provisions herein shall apply only to the election to be held on November 8, 2016, and shall then be repealed.

SECTION 7. Placement on the Ballot. The full text of the Ballot Ordinance shall be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this Resolution, the Ballot Ordinance and/or ballot measure, at no cost, upon request made to the City Clerk.

SECTION 8. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution. The City Council directs the City Clerk to deliver copies of this Resolution, including the Ballot Ordinance attached hereto as Exhibit “A”, to the Clerk of the Board of Supervisors of Contra Costa County and to the Registrar of Voters of Contra Costa County.

SECTION 9. CEQA. The City Council hereby finds and determines that the ballot 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 10. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 11. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

ADOPTED by the City Council of the City of Pleasant Hill, at a regular meeting held on the 1<sup>st</sup> day of August, 2016.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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SUSAN A. NOACK, Mayor

ATTEST:

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CAROL W. WU, City Clerk

APPROVED AS TO FORM:

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JANET E. COLESON, City Attorney