

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 8, 2016 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY, A MEASURE RELATING TO THE ESTABLISHMENT OF A GENERAL TRANSACTIONS AND USE (SALES) TAX, AN ADVISORY MEASURE REGARDING THE USE OF THE SALES TAX PROCEEDS, CONSOLIDATING THE ELECTION WITH THE STATEWIDE ELECTION; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO PERMIT THE REGISTRAR OF VOTERS TO CONDUCT SUCH ELECTION; AUTHORIZING THE CITY CLERK OR HER DULY AUTHORIZED AGENTS TO CARRY OUT THE NECESSARY PROCEDURES FOR SUCH ELECTION; AUTHORIZING THE MAYOR TO SUBMIT BALLOT ARGUMENTS IN FAVOR OF THE MEASURES; AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF EACH MEASURE

WHEREAS, the City of Chula Vista ("City") may impose a local transactions and use tax increase for general purposes with the approval of the majority of voters in the City; and

WHEREAS, the City has adopted an ordinance adding Chapter 3.33 to the Chula Vista Municipal Code, entitled "Local Funding for Safety, Repairs, and Improvements" (the "Ordinance") and

WHEREAS, Chapter 3.33 of the Chula Vista Municipal Code establishes a half-cent transactions and use tax to be administered by the State Board of Equalization (the "Sales Tax"); and

WHEREAS, the Ordinance, attached hereto and incorporated herein as Exhibit "A," would implement the Sales Tax which, if approved by voters, would take effect no earlier than April 1, 2017; and

WHEREAS, in accordance with the provisions of the Chula Vista Charter and State law, a Special Municipal Election shall be held on Tuesday, November 8, 2016; and

WHEREAS, Section 439.1 of the Administrative Code of the County of San Diego authorizes the Registrar of Voters of the County of San Diego to render specified services relating to the conduct of an election to any city or district that has, by resolution, requested the Board of Supervisors to permit the Registrar to render the services, subject to requirements set forth in that section; and

WHEREAS, Elections Code Section 10403 requires the City Council to adopt a resolution requesting the Board of Supervisors to consolidate Chula Vista's election with

the statewide general election and to permit the Registrar of Voters to perform certain services in conjunction with the City's election; and

WHEREAS, the Environmental Review Coordinator has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that this activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it is a financing decision without commitment to a specific project which may result in a potentially significant physical impact on the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the actions proposed are not subject to CEQA.

WHEREAS, pursuant to Government Code Section 53724 (to the extent it applies to charter cities) and California Elections Code Section 9222, the City Council desires to submit the Ordinance to the electorate at the Special Municipal Election to be held on Tuesday, November 8, 2016; and

WHEREAS, the City Council also desires to submit an advisory measure to the electorate at the November 8, 2016 election, regarding the use of the Sales Tax proceeds; and

WHEREAS, it is desirable that the County of San Diego Registrar of Voters conduct the election and canvass the returns of said Special Municipal Election, and that the City Clerk be authorized to carry out all other necessary procedures for such election; and

WHEREAS, the City Council also desires to authorize the Mayor to submit ballot arguments in favor of the measures.

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

SECTION 1. All of the foregoing recitals are true and correct.

SECTION 2. Pursuant to the requirements of the Chula Vista Charter and the laws of the State of California, there shall be and there is hereby called and ordered held in the City of Chula Vista, California, on Tuesday, November 8, 2016, a Special Municipal Election for the purpose of submitting to the qualified electors of the City a measure imposing a general transactions and use (sales) tax.

SECTION 3. That the City Council, pursuant to its right and authority, does order submitted to the voters at the Special Municipal Election on November 8, 2016, the following question:

<i>"Chula Vista: Local Funding for Safety, Repairs, Improvements: To fix potholes, repair/ maintain streets, sidewalks, and aging storm drains to prevent sinkholes; upgrade aging police, fire and 911 emergency response facilities/ equipment; maintain parks, recreation centers, libraries; water conservation; and other projects/services; shall an ordinance be adopted enacting a one-half cent sales tax for 10 years, generating an estimated \$16 million per year to be spent locally, requiring citizen oversight and independent audits?"</i>	YES
	NO

SECTION 4. That the proposed Ordinance to be submitted to the voters is attached as Exhibit "A" and incorporated into this resolution by this reference.

SECTION 5. That the City Council, pursuant to Elections Code section 9603, does order submitted to the voters at the Special Municipal Election on November 8, 2016, the following question:

<i>Advisory Vote Only</i> <i>If Measure <u>X</u> passes, generating an estimated \$16 million annually for the City of Chula Vista, shall the new revenue be used only to repair and replace critical City infrastructure and facilities, with a minimum of 40% of the total funds collected being used to upgrade aging police, fire and 911 emergency response facilities/ equipment and the remaining funds to be used only for essential city infrastructure and public buildings?"</i>	YES
	NO

SECTION 6. That 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.

SECTION 7. Pursuant to California Elections Code Section 9282, the City Council hereby acknowledges its authority, and the authority of any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, to submit a written argument, not to exceed 300 words, for or against the measure, and authorizes the Mayor to submit arguments in favor of the measures, on behalf of the City Council.

Arguments must be submitted to the City Clerk, and may be changed until and including the date fixed by the City Clerk, after which no arguments for or against the measure may be submitted, withdrawn or changed.

SECTION 8. Pursuant Elections Code section 9285, rebuttal arguments will be allowed. The rebuttal arguments may not exceed 250 words. Rebuttal arguments must be submitted to the City Clerk, and may be changed until and including the date fixed by the City Clerk, after which no rebuttal arguments for or against the proposed measure may be submitted to the City Clerk. This Section 8 is applicable only to the November 8, 2016 special election called by this resolution and, after that election, shall expire.

SECTION 9. Pursuant to California Elections Code Section 9280, the City Clerk is directed to transmit a copy of each measure to the City Attorney. The City Attorney is directed to prepare an impartial analysis of each measure, not to exceed 500 words in length, showing the effect of each measure on the existing law and the operation of each measure, and transmit such impartial analyses to the City Clerk by the date fixed by the City Clerk.

SECTION 10. Pursuant to Elections Code section 10403, the Board of Supervisors of the County of San Diego is hereby requested to permit the Registrar of Voters to perform and render all services and proceedings, and to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment and paraphernalia incidental to and connected with the conduct of the subject election of the City of Chula Vista, with the cooperation and assistance of the City Clerk of Chula Vista, in order to properly and lawfully conduct such election.

SECTION 11. The Board of Supervisors of the County of San Diego is hereby requested to consolidate this election with the statewide election to be held on the same day, in the same territory. Pursuant to Section 10411 and Section 10418 of the Elections Code: (a) the election shall be held in all respects as if there were only one election; (b) only one form of ballot shall be used; and (c) the Registrar of Voters of the County of San Diego shall canvass the returns of the subject election as part of the canvass of the returns of the election consolidated hereby.

SECTION 12. Pursuant to Section 10410 and Section 10418 of the Elections Code within the territories affected by this consolidation, the election precincts, polling places, voting booths and polling hours shall, in every case, be the same, and there shall be only one set of election officers in each of the precincts.

SECTION 13. The County of San Diego shall be reimbursed in full for the services performed by the Registrar of Voters for the City of Chula Vista upon presentation of a bill therefor, and this City agrees to indemnify and save free and harmless the County, its officers, agents and employees from expense or liability, including reasonable attorneys' fees, as a result of an election contest arising from this special election.

SECTION 14. The City Clerk is hereby directed to forthwith file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of San Diego and to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the election.

SECTION 15. The polls of said election shall be open at seven o'clock a.m. of the day of said election and shall remain open continuously from that time until eight o'clock p.m. of the same day when said polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 16. The ballots to be used at said election shall be, both as to form and matter contained therein, such as may be required by law to be used thereat.

SECTION 17. In all particulars not recited in this resolution, said election shall be held and conducted as provided by law for holding municipal elections in this City.

SECTION 18. Notice of the time and place of holding this election is hereby given and the City Clerk is hereby authorized, instructed and directed to give such further or additional notice of said election in time, form and manner as required by law.

SECTION 19. The City Clerk shall certify to the passage and adoption of this resolution and file it with the City's original resolutions.

Presented by

Approved as to form by

Gary Halbert
City Manager

Glen R. Googins
City Attorney