

FILED

JUL 23 2020

BY *[Signature]* DEPUTY
REGISTRAR OF VOTERS

RESOLUTION NO. 20-065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020 A BALLOT MEASURE TO APPROVE AN ORDINANCE ESTABLISHING A ONE PERCENT (1%) GENERAL TRANSACTIONS AND USE (SALES) TAX; AND AUTHORIZING RELATED ACTIONS INCLUDING DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE, AUTHORIZING ARGUMENTS AND REBUTTAL ARGUMENTS FOR OR AGAINST THE MEASURE, AND SETTING THE DATE AFTER WHICH NO ARGUMENTS FOR OR AGAINST THE MEASURE MAY BE SUBMITTED TO THE CITY CLERK

WHEREAS, the City Council of the City of Victorville (“City Council”) seeks to provide a safe community where its residents and businesses can thrive; and

WHEREAS, despite significant cuts to the General Fund and the use of reserves to preserve public safety levels as a result of the Great Recession and the global COVID-19 Pandemic, the City of Victorville (the “City”) has been increasingly challenged to maintain and enhance public safety service levels, public infrastructure, park and recreation facilities and other essential services and the collective cost of existing service levels have continued to increase at a much steeper pace compared to General Fund tax revenue recovery out of the recessionary cycle; and

WHEREAS, the City Council held a meeting on November 19, 2019 to discuss various matters related to public safety, code enforcement and animal control services; and

WHEREAS, at a City Council meeting on May 19, 2020, the City considered available tax and assessment options to supplement funding for public safety and other essential municipal services including police, fire, code enforcement, animal control and other services, and further discussion on options available for a general tax measure for essential public services on the November 2020 ballot took place; and

WHEREAS, at its regular meeting held on June 2, 2020, the City Council considered a staff report, draft ordinance, public testimony and deliberated on the matter of submitting an ordinance to the voters concerning a general Transactions and Use Tax for essential city purposes; and

WHEREAS, the proposed ordinance would impose a general tax for unrestricted general revenue purposes, including without limitation: essential municipal services, such as: enhancing public safety by supporting and expanding community relations and community policing; ensuring sustainability of funding available to expand fire protection and emergency medical service levels; expanding crime suppression, investigation and traffic enforcement; expanding and ensuring sustainability of code enforcement and animal control; helping to address and eliminate homelessness; keeping public areas clean and free of graffiti, including graffiti abatement;

repairing and maintaining public buildings and infrastructure, including without limitation, the City library, recreational facilities and parks; improving and maintaining city streets, including without limitation, sidewalks, curbs, storm drains and gutters and the repair of potholes; job creation and economic improvement programs; senior and youth services (hereinafter “**Essential Municipal Services**”); and

WHEREAS, pursuant to California Revenue and Tax Code section 7251 et seq. and 7285.9 et seq., the City Council desires to submit to the voters of the City at the General Municipal Election to be held on November 3, 2020, a proposed ordinance to add Chapter 3.06 to the Victorville Municipal Code to impose a general Transactions and Use Tax that, if approved, would be imposed at a rate of one percent (1.0%), or one cent (\$0.01) per dollar, on retail sales in the City and would be collected by the California Department of Tax and Fee Administration and remitted to the City (the “**Tax**”); and

WHEREAS, at its regular meeting held on July 7, 2020, the City Council conducted a public hearing and introduced proposed Ordinance No. 2409 regarding said Tax for first reading and subsequent adoption by the City Council, said Ordinance to be effective only upon approval by majority vote of the City’s electors; and

WHEREAS, the Tax proposed by Ordinance No. 2409 is a general tax that can be used for any municipal purpose, including, without limitation, the Essential Municipal Services outlined above, with all revenues received being placed in the City’s general fund; and

WHEREAS, Article XIII C, Section 2(d) of the California Constitution precludes imposition of any general tax unless that tax is submitted to the electorate and approved by a majority vote; and

WHEREAS, a General Municipal Election has been called for November 3, 2020 by Resolution No. 20-060 adopted on July 7, 2020; and

WHEREAS, Resolution No. 20-061, also adopted on July 7, 2020, requested that San Bernardino County consolidate said General Municipal Election with the Statewide Election to be conducted on November 3, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the foregoing recitals are true and correct and are hereby incorporated in their entirety as part of this Resolution by this reference.

Section 2. That the City Council, pursuant to Elections Code Section 9222, does order submitted to the voters at the General Municipal Election to be held on November 3, 2020 (as referenced in Resolution Nos. 20-060 and 20-061) the following question, which question requires the approval of a majority of the votes cast:

CITY MEASURE “ ___ ”: CITY OF VICTORVILLE PUBLIC SAFETY & ESSENTIAL MUNICIPAL SERVICES GENERAL TRANSACTIONS AND USE TAX

Shall the ordinance providing funding for essential municipal services, including without limitation: police services, crime suppression, community policing/emergency response; medical and fire protection; street/pothole repair; library, park, recreation facilities maintenance; homelessness/economic improvement programs; and other general purposes, by establishing a 1% Transactions and Use (“sales”) tax, providing an estimated \$15 million annually (audited) until ended by the voters, be adopted? YES _____ NO _____

Section 3. That the proposed Transactions and Use Tax is a general tax imposed under the authority of California Revenue and Tax Code Section 7285.9 and requires the approval of a majority (51%) of the qualified electors of the City casting votes in the General Municipal Election.

Section 4. That this resolution, including the submission to the voters of proposed Ordinance No. 2409 establishing the Victorville Essential Municipal Services General Transaction and Use Tax (attached hereto as Exhibit A and incorporated by this reference), must be approved by a two-thirds (2/3) vote of all members of the City Council in accordance with California Revenue and Tax Code Section 7285.9 and Government Code Section 53724(b).

Section 5. That Ordinance No. 2409, if subsequently approved by the voters, will establish Chapter 3.06 of the Victorville Municipal Code to impose a general Transactions and Use Tax of one percent (1%) for Essential Municipal Services, to be deposited into the City’s general fund and used for general municipal purposes, and that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

Section 6. That any and all members of the Victorville City Council, any individual voter who is eligible to vote on the measure, or a bona fide association of citizens, or any combination of voters associations, are authorized to file written arguments regarding the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting said arguments, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and are authorized to change such arguments until August 17, 2020 at noon, the date and time established by the San Bernardino County Elections Office of the Registrar of Voters, after which no arguments for or against the City measure may be submitted to the City Clerk.

Section 7. That pursuant to Section 9285 of Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure, the elections official shall send a copy of an argument in favor of the measure to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments. The author or a majority of authors of an argument related to a measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five authors in accordance with Section 9285 of the Elections Code. The rebuttal arguments shall be filed with the elections official, signed with the printed names and signatures of the authors submitting, 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, on or before August 21, 2020 at 5:00 p.m., the date and time established by the San Bernardino County Elections Office of the Registrar of Voters.

Section 8. That pursuant to Section 9280 of the Elections Code of the State of California, the City Council directs the City Clerk to transmit a copy of the ballot measure to the Victorville City Attorney. The City Attorney shall prepare an impartial analysis of the ballot measure, not to exceed five hundred (500) words in length, showing the effect of the measure on existing law and the operation of the measure. The 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 governing body of the City. 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-point bold type, a legend substantially as follows: "The above statement is an impartial analysis of Measure _____. If you desire a copy of the measure, please call the elections official's office at 760-955-5188 and a copy will be mailed at no cost to you." The impartial analysis shall be filed by the date set by the Registrar of Voters for the filing of primary arguments. The impartial analysis shall be filed by August 17, 2020 at 5:00 p.m., the date set by the San Bernardino County Elections Office of the Registrar of Voters for the filing of primary arguments.

Section 9. That in all particulars not recited in this Resolution, the election shall be held and conducted as set forth in all applicable laws pertaining to the holding of general municipal elections. The City Clerk is authorized and directed to perform all acts required by law to implement the provisions of this Resolution.

Section 10. That the adoption of this Resolution constitutes notice of the time and place of the holding of this election, and the City Clerk is authorized, instructed and directed to give further or additional notice of this election and the above-referenced measure, in time, form and manner as required by law.

Section 11. That the Registrar of Voters of the County of San Bernardino is hereby authorized to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. The ballots to be used at the election shall be, both as to form and matter contained therein, such as may be required by law to be used at such election.

Section 12. That the City Clerk shall certify to the passage and adoption of this resolution, enter it into the book of original resolutions, and is hereby directed to file a certified copy of this resolution with the San Bernardino County Board of Supervisors and Elections Office of the Registrar of Voters.

Section 13. That the City Clerk and City Attorney are hereby authorized to make any typographical, clerical, non-substantive corrections to this resolution as may be deemed necessary by the San Bernardino County Clerk and/or the Elections Office of the Registrar of Voters.

Section 14. That this resolution shall become effective immediately upon its passage by a two-thirds (2/3) vote of the City Council.

Resolution No. 20-065

PASSED, APPROVED AND ADOPTED this 21st day of JULY 2020.



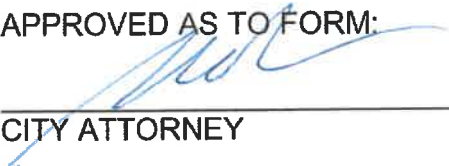
MAYOR OF THE CITY OF VICTORVILLE

ATTEST:



ASSISTANT CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

I, MARCIE WOLTERS, Assistant City Clerk of the City of Victorville and assistant ex-officio Clerk to the City Council of said City, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 20-065 which was adopted at a regular meeting held on the 21st day of JULY 2020, by the following roll call vote, to wit:

AYES: Mayor Garcia, Councilmembers Cox, Jones and Ramirez

NOES: Councilmember Gomez

ABSENT: None

ABSTAIN: None



ASSISTANT CITY CLERK