

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF LAKE ELSINORE A TRANSACTIONS AND USE TAX (SALES TAX) ORDINANCE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020 AS CALLED BY RESOLUTION NO. 2020-35 AND APPROVING THE FORM OF THE ORDINANCE TO BE SUBMITTED TO THE VOTERS

Whereas, by Resolution No. 2020-35 adopted by the City Council on May 12, 2020, the City Council called a General Municipal Election to be held in the City of Lake Elsinore on Tuesday, November 3, 2020; and

Whereas, the City Council also seeks to submit to the voters at the November 3, 2020 General Municipal Election a measure relating to a transactions and use tax (sales tax); and

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

Whereas, California Revenue and Taxation Code section 7285.9 authorizes the City, subject to approval by a majority vote of the qualified voters of the City voting in an election on the issue, to levy a transactions and use tax pursuant to the Transactions and Use Tax Law at a rate of 0.125% or any multiple thereof for general purposes and projects; and

Whereas, having the capacity to respond rapidly to 9-1-1 emergencies is critical and additional locally controlled funding is necessary to ensure enough law enforcement officers, firefighters, and paramedics to respond quickly to 9-1-1 emergencies; and

Whereas, keeping Lake Elsinore safe, clean, and well-maintained will help protect and improve local property values; and

Whereas, securing additional locally controlled funding will provide the City the funding needed to avoid deep cuts in all service areas including police, 9-1-1 emergency response, the maintenance of streets, parks and public facilities, as well as programs for youth and seniors; and

Whereas, currently, nearly all of the sales tax generated locally is allocated to the State of California or the County; and

Whereas, the proposed transactions and use tax measure will ensure that a higher percentage of sales tax dollars stay in Lake Elsinore; and

Whereas, all money raised by the proposed measure will be used to fund essential services and facilities in Lake Elsinore and by law, it cannot be taken away by the State or used for other purposes; and

Whereas, the City Council desires to submit to the voters at the November 3, 2020 General Municipal Election a proposed ordinance to establish a Transactions and Use Tax (Sales Tax) that, if approved, would be imposed at a rate of 1% and would be collected by the State Board of Equalization and remitted to the City to pay of the aforementioned services as well as other general municipal services; and

Whereas, the proposed measure is a general tax as defined in Article XIII C of the California Constitution and shall not take effect unless and until approved by a vote of at least a majority of the voters voting on the measure at the election.

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

Section 1. The City Council hereby finds that the above-referenced recitals are true and correct and material to this Resolution.

Section 2. The City Council of the City of Lake Elsinore hereby submits to the qualified voters of the City the following measure relating to the adoption of a transactions and use tax. This measure shall be designated by letter by the Riverside County Elections Department. The election for this measure shall be consolidated with the established statewide general municipal election to be conducted on November 3, 2020.

<p>To provide funding for essential city services including:</p> <ul style="list-style-type: none"> • Reducing gangs, drugs and crime • Providing fire protection, paramedic, and quick 9-1-1 emergency response • Fixing streets and potholes • Addressing homelessness • Keeping public areas safe, healthy, clean and graffiti free • Supporting local businesses 	Yes
<p>shall a City of Lake Elsinore Ordinance establishing a one-cent sales tax be approved, providing approximately \$10,000,000 annually for general city services until ended by voters, with citizen oversight, independent audits, and all funds controlled locally?</p>	No

Section 3. The Ordinance establishing the transactions and use tax to be submitted to the voters for approval pursuant to Section 2 above is as set forth in Exhibit A hereto and incorporated by this reference. The City Council hereby approves the Ordinance, the form thereof, and its submission to the voters of the City at the November 3, 2020 election, as required by Revenue and Taxation Code section 7285.9, subject to approval of a majority of the voters voting on the measure at the election.

Section 4. In accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code, the City Clerk is hereby authorized and directed to cause notice of the measure in Section 2 to be published once in a newspaper of general circulation, printed, published, and circulated in the City of Lake Elsinore and hereby designated for that purpose by the City Council of the City of Lake Elsinore. The City Clerk may request that the County of Riverside Elections Department prepare and publish the required notice.

Section 5. That 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.

Section 6. The notice of the time and place of holding the election is given and the City Clerk is directed to give further or additional notice of the election in the time, form and manner as required by law.

Section 7. Pursuant to Elections Code section 9280 et seq., the City Clerk is hereby directed to submit to the City Attorney a certified copy of the ballot measure. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure, said analysis to be submitted by the City Attorney to the Registrar of Voters or other appropriate office of the County of Riverside, for printing by the date set by City Clerk for the filing of arguments for and against the measure. The analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the Elections Code of the State of California.

Section 8. The City Council hereby directs the City Clerk to follow the procedures for arguments in favor or in opposition to the measure and the procedures for rebuttal arguments as set forth in Elections Code section 9280 et seq. The City Clerk shall fix and determine a date for submission of arguments for or against the measure, and said date shall be posted in the Office of the City Clerk. Arguments for and against the measure may be filed in accordance with applicable provisions of law. The City Council does not authorize the City Council as a body or any individual member of the City Council to file a written argument or any rebuttal argument for or against the measure.

Section 9. The City Manager is hereby authorized and directed to expend the necessary funds to pay for the City's cost of placing the measure on the election ballot.

Section 10. The adoption of this Resolution is not a "project" subject to the requirements of the California Environmental Quality Act of 1970 (California Public Resources Code § 21000 et seq.) and the state CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.). CEQA Guidelines Section 15378(b)(4) provides that the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment are not projects subject to the requirements of CEQA.

Section 11. If any section, subsection, sentence, clause, phrase or provision of this Resolution or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other provision or applications, and to this end the provisions of this Resolution are declared to be severable. The City Council hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, phrase or provision thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or provisions thereof be declared invalid or unconstitutional.

Section 12. Pursuant to California Elections Code section 9295, this Resolution and the attached Ordinance will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the sample ballot. The examination period will end on the day that is seventy-five (75) days prior to the date set for the election.

Section 13. This Resolution shall take effect immediately upon its adoption by a two-thirds vote of the members of the City Council.

Section 14. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

Passed and Adopted at a regular meeting of the City Council of the City of Lake Elsinore, California, this 28th day of July 2020.

Brian Tisdale
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2020- was adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of July 28, 2020 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk