

**CITY OF CLOVERDALE
CITY COUNCIL**

RESOLUTION NO. 073-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE CALLING AND GIVING NOTICE OF THE HOLDING OF AN ELECTION ON NOVEMBER 3, 2020, FOR VOTER CONSIDERATION OF A BALLOT MEASURE TO AMEND CHAPTER 3.40 OF THE CLOVERDALE MUNICIPAL CODE TO EXTEND THE UTILITY USERS' TAX AT THE CURRENT RATE UNTIL ENDED BY THE VOTERS; ORDERING THE SUBMITTAL OF THE ORDINANCE TO THE VOTERS AT THE ELECTION; REQUESTING THAT THE SONOMA COUNTY BOARD OF SUPERVISORS CONSENT TO THE CONSOLIDATION OF THIS ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE; DIRECTING THE REGISTRAR OF VOTERS TO CONDUCT THE ELECTION; AND PROVIDING FOR SUBMITTAL OF BALLOT ARGUMENTS AND REBUTTALS AND AUTHORIZING THE FILING OF AN IMPARTIAL ANALYSIS

WHEREAS, Ordinance No 692-2014 – the Utility Users' Tax ("UUT") Ordinance – was placed on the ballot as Measure "O" during the General Election held on November 4, 2014; and

WHEREAS, Measure "O" was approved by a majority of voters of the City in the November 2014 General Election; and

WHEREAS, the UUT Ordinance codified Chapter 3.40, "Utility Users' Tax" within the Cloverdale Municipal Code, and established a UUT of three percent (3%) within the City; and

WHEREAS, the UUT is paid by recipients of telecommunications, video, electric, and gas utility services, collected by the utilities as part of regular billing, and remitted to the City; and

WHEREAS, the UUT will sunset on January 1, 2023, unless re-enacted by a majority vote of Cloverdale voters; and

WHEREAS, the UUT raises approximately Four Hundred Forty-Five Dollars (\$445,000) annually of the City's General Fund Budget; and

WHEREAS, the City wishes to maintain vital services for its citizens every year; and

WHEREAS, extending voter-approved locally controlled funding at the current tax rate will maintain public safety, pothole repair and street maintenance, crime prevention, parks, and recreation programs and other city services with funding that cannot be taken by the State; and

WHEREAS, the public has indicated that repairing potholes and City streets, and installing power backups for public safety power shut off events are a priority; and

WHEREAS, the City wishes to prevent severe cuts to critical resident services in these challenging times; and

WHEREAS, voter-approved, locally controlled funding has helped maintain the City’s emergency reserves and fiscal stability; and

WHEREAS, by law, all funds from an extension of existing, voter-approved local funding must continue to stay in Cloverdale to maintain local services – no funds can be taken by Sacramento or the federal government; and

WHEREAS, all funds will continue to be subject to mandatory financial audits, and yearly reports to the community to ensure funds are spent as promised; and

WHEREAS, Article XIII C, section 2(b) of the California Constitution requires that any general tax for unrestricted general revenue purposes, such as a utility users tax, must be submitted to and approved by a majority vote of the voters voting on the issue of imposing any general tax; and

WHEREAS, the tax extension imposed by this proposed measure will only become effective if approved by a majority of the City’s voters at the November 3, 2020 election; and

WHEREAS, based on all of the information presented at the July 22, 2020 meeting of the City Council, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that under CEQA Guidelines 15061(b)(3) that this tax does not constitute a project under CEQA and therefore CEQA review is not required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cloverdale that:

1. The foregoing recitals are true and correct and hereby incorporated by reference.
2. Pursuant to California Constitution Article XIII C, Section 2; Government Code section 53724; and Elections Code section 9222, the City Council of the City of Cloverdale hereby calls an election at which it shall submit to the qualified voters of the City the Cloverdale measure that, if approved by a majority vote, would extend the term of the UUT at the current rate, until ended by the voters. The City Council hereby requests that the election be consolidated with the statewide election to be held on November 3, 2020. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Election Code section 10418.
3. The City Council does hereby submit for adoption by the qualified voters of the City of Cloverdale at the General Municipal Election of November 3, 2020, the following question:

<u>“To maintain important City services, including: repairing potholes/streets; installing City power backup systems for PG&E power shutdowns; preparing/responding to natural disasters/health emergencies; maintaining rapid 911 response; supporting youth/ teen programs; and other City services; shall Cloverdale’s measure extending</u>	YES	
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<u>the existing voter-approved Utility Users Tax at the current 3%, without increasing the rate, until ended by voters, providing \$445,000 annually, exempting low-income seniors, requiring citizen oversight, with no money for Sacramento, be adopted?"</u>	NO	
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4. The full text of the proposed measure to be submitted to the voters is attached as Exhibit A (the "Measure") hereto. The Measure specifies that the existing voter-approved UTT at the current three percent (3%) shall be extended until ended by the voters. If a simple majority of the qualified voters voting on the Measure vote in favor therefore, the Measure shall be deemed adopted and shall be in full force and effect ten (10) days after the date the vote is declared by the City Council of the City of Cloverdale. The City Council hereby approves the Measure, attached as Exhibit A, the form thereof, and its submission to the voters of Cloverdale at the November 3, 2020 election. This measure shall be designated by letter by the Sonoma County Registrar of Voters. The full text of the Measure proposed to be adopted by the voters shall be available upon request to the Office of the City Clerk and on the City's website.

5. The City Clerk is authorized, instructed, and directed to work with the Office of the Registrar of Voters as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The Office of the Registrar of Voters is authorized to canvass the returns of the general municipal election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

6. The Board of Supervisors of Sonoma County is requested to instruct the Office of the Registrar of Voters to provide such services as may be necessary for the holding of the consolidated election. The election shall be held in all respects as if there were only one (1) election. The City recognizes that the County will incur additional costs because of this consolidation and agrees to reimburse the County for those costs. 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. This request is made pursuant to California Elections Code sections 10002 and 10403.

7.

a) In accordance with Elections Code sections 9282 and 9283, arguments submitted for or against the Measure shall not exceed three hundred (300) words in length, and shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election and may be signed by not more than five (5) persons.

b) In accordance with Elections Code section 9282, the following headings, as appropriate, shall precede the arguments' wording, but shall not be counted in the three hundred (300) word maximum: "Argument Against Measure _____" or "Argument In Favor Of Measure _____" (the blank spaces being filled only with the letter or number, if any, designating the Measure).

c) In accordance with Elections Code section 9283, printed arguments submitted to voters in accordance with Section 9282 of the Elections Code shall be filed with the City Clerk,

accompanied by 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. Arguments are due in the office of the City Clerk prior to 5:00 p.m. on August 17, 2020.

d) The City Council hereby authorizes Mayor Wolter to prepare and file a ballot argument in favor of the Ballot Measure set forth in this Resolution, which may be signed by members of the City Council, representatives of bona fide associations of citizens, and individual voters eligible to vote on the Measure. Members of the City Council who sign the ballot argument may use their titles. In accordance with Elections Code section 9287, any council members authorized by the City Council to do so may sign the argument in favor of the Measure.

8.

a) Pursuant to Elections Code section 9285, when the City Clerk has selected the arguments for and against the Measure, that will be printed and distributed to the voters, the City 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. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

b) Rebuttal arguments shall not exceed two hundred fifty (250) words and may be signed by not more than five (5) persons. However, only the first five (5) persons to sign will be printed with the Ballot Measure. The persons that sign the rebuttal arguments may be different persons than the persons that signed the direct arguments.

c) The last day for submittal of rebuttal arguments for or against the Measure shall be by 5:00 p.m. on August 27, 2020.

d) The City Council hereby authorizes Mayor Wolter to prepare and file a rebuttal argument in favor of the Ballot Measure set forth in this Resolution, which may be signed by members of the City Council, representatives of bona fide associations of citizens, and individual voters eligible to vote on the Measure, who may be different from the people who signed the argument in favor of the measure. Members of the City Council who sign the rebuttal argument may use their titles. In accordance with Elections Code section 9287, any council members authorized by the City Council to do so may sign the rebuttal argument for the Measure.

9. In accordance with Elections Code section 9280, the City Attorney is directed to file with the City Clerk, by 5:00 p.m. on August 17, 2020, an impartial analysis of the Measure, not to exceed five hundred (500) words, showing the effect of the Measure on the existing law and the operation of the Measure.

10. The City Clerk is directed to file certified copies of this Resolution with the Board of Supervisors and the Registrar of Voters of the County of Sonoma, together with the attached Measure. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause a synopsis of the Measure attached as Exhibit A to be published once in a newspaper of general circulation in accordance with California Elections Code

section 12111 and California Government Code section 6061. A copy of the Measure shall be made available to any voter upon request. The City Clerk is authorized and directed to give further additional notice of the Measure in the time, form, and manner required by law.

11. The jurisdictional boundaries of the City of Cloverdale have not changed since the last general municipal election.

12. The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"), based on the general rule set forth in CEQA Guidelines section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This resolution places a measure on the ballot that, if approved, extends the term of the UUT at the current rate, until ended by the voters; thus, it can be said with certainty that there is no possibility that the Measure will have a significant effect on the environment.

13. This Resolution shall become effective immediately upon its passage and adoption.

It is hereby certified that the foregoing Resolution No. 073-2020, was duly introduced and duly adopted by the City Council of the City of Cloverdale at its regular meeting held on the 22nd day of July 2020, by the following roll call vote:

AYES: (5) Councilmembers Bagby, Brigham and Cruz, Vice Mayor Turner and Mayor Wolter
NOES: (0) None
ABSTAIN: (0) None
ABSENT: (0) None


APPROVED:


Gus Wolter, Mayor

ATTESTED:


Irene Camacho-Werby, City Clerk

I, IRENE CAMACHO-WERBY, City Clerk of the City of Cloverdale, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 073-2020 adopted by the City Council of the City of Cloverdale on the 22nd day of July 2020.


Irene Camacho-Werby, City Clerk



CITY OF CLOVERDALE
CITY COUNCIL
ORDINANCE NO. ____-2020

AN ORDINANCE OF THE CITY OF CLOVERDALE AMENDING CHAPTER 3.40 OF THE
CLOVERDALE MUNICIPAL CODE TO EXTEND THE UTILITY USERS' TAX AT THE
CURRENT RATE UNTIL ENDED BY THE VOTERS

THE PEOPLE OF THE CITY OF CLOVERDALE DO ORDAIN AS FOLLOWS:

SECTION 1. Amendment to Municipal Code. Section 3.40.280 "Termination of Tax – Sunset" of the Cloverdale Municipal Code is hereby amended to read as follows (deletions in ~~striketthrough~~; additions in *italics*):

3.40.280. Termination of Tax—Sunset

A. The levy of taxes as provided in this Chapter shall *remain in full force and effect until ended by the voters* ~~expire on January 1, 2023, unless re-enacted by a majority vote of the electorate voting on the question.~~ The City Council may terminate the tax by a majority vote of the City Council at any time.

B. The termination of the levy of taxes as provided in this Chapter shall not terminate the obligation to pay taxes levied on services used prior to such date. Taxes levied prior to such date shall remain a debt payable to the City. All provisions in this Chapter, except those relating to the levy of taxes, shall continue in full force and effect after such date.

SECTION 2. Amendment to Municipal Code. Section 3.40.290 "Annual Audit—Citizens' Oversight" of the Cloverdale Municipal Code is hereby amended to read as follows (deletions in ~~striketthrough~~; additions in *italics*):

3.40.290. Annual Audit—Citizens' Oversight

A. Annually the city council retains an independent auditor to conduct an audit of and provide audited financial statements for all of the city's financial activities. The auditor shall include an accounting of the revenue received from the tax and expenditures thereof in the audited financial statements. The auditor's report shall be presented to the council and the committee established in subsection B of this section and made available to the public. Additionally, the finance manager shall annually prepare and present to the council and the public a report in conjunction with the audit that reviews the status and performance of the programs and services funded wholly or partially with proceeds of the utility users' tax.

B. *During the Beginning in Fiscal Year 2025-26 and every fifth fiscal year thereafter* that this chapter is in effect, the city council shall appoint a three-member committee to review and report on the receipt of revenue and

expenditure of funds from the tax authorized by this chapter. The committee members shall be either Cloverdale residents or representatives of Cloverdale businesses. The auditors' annual reports and finance manager reports required by subsection A of this section shall be provided to the committee. The committee shall review the auditors' reports and finance manager reports and prepare a separate report that reviews the status and performance of the programs and services funded wholly or partially with proceeds of the utility users' tax. The committee's report shall be completed and submitted to the city council as part of its budget considerations in 2020 *the fiscal year in which the committee members are appointed*. ~~The council shall appoint a committee again during the seventh year that this chapter is in effect, and the committee shall prepare a report on the status and performance of the programs and services funded wholly or partially with proceeds of the utility users' tax to be submitted to the council as part of its budget considerations in 2022.~~

C. By June 30, ~~2019~~ 2025, the city council shall adopt a resolution establishing the composition of the committee required by subsection B of this section, setting the terms of office of the committee members, and defining the scope of the committee's responsibilities, which at a minimum shall include the actions listed in subsection B of this section. The city council shall appoint all members of the committee by December 31, ~~2019~~, and December 31, ~~2021~~ 2025 and every fifth December 31 thereafter.

SECTION 3. Effective Date. This Ordinance, if approved by a majority of the voters of the City of Cloverdale at the General Municipal Election of November 3, 2020, shall become effective ten (10) days after the declaration of the results of that election by the City Council of the City of Cloverdale, pursuant to Elections Code section 9217.

SECTION 4. Publication. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause this Ordinance or a summary thereof to be published or to be posted in at least three (3) public places in the City of Cloverdale in accordance with the requirements of California Government Code section 36933.

SECTION 5. Codification. Upon adoption of this Ordinance pursuant to the voter approval referenced above, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this Ordinance in the Cloverdale Municipal Code.

SECTION 6. Severability. If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the Ordinance codified in this Chapter, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

SECTION 7. Execution. The Mayor is hereby authorized to attest to the adoption of the Ordinance by the voters of the City by signing where indicated below.

It is hereby certified that the foregoing Ordinance No. ____-2020 was APPROVED by the following vote of the People of the City of Cloverdale on November 3, 2020:

YESES:

NOES:

It is hereby further certified that the foregoing Ordinance No. ____-2020 was adopted by Declaration of the November 3, 2020 election results by the City Council of the City of Cloverdale on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Gus Wolter, Mayor

Irene Camacho-Werby, City Clerk

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