

## RESOLUTION NO. 2019-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2020 TO PRESENT TO THE VOTERS A MEASURE TO LEVY A GENERAL TRANSACTIONS AND USE TAX OF ONE-HALF PERCENT, APPROVING THE ORDINANCE TO BE SUBMITTED TO THE VOTERS, AND REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO CONSOLIDATE THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2020 WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE

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

WHEREAS, California Revenue and Taxation Code Section 7285.9 authorizes the City of Yucaipa (the "City") to levy a general transactions and use tax by ordinance following approval by two-thirds of the City Council and adoption by a simple majority of the qualified electors of the City voting in an election on the issue; and

WHEREAS, the levying of a transactions and use tax of one-half percent would not cause the overall transactions and use tax in the City to exceed the limits imposed by California Revenue and Taxation Code section 7251.1; and

WHEREAS, the City is dedicated to providing high quality paramedic and other emergency response services, enhancing police and fire protection, increasing services for local youth and seniors, promoting economic development and maintaining local streets and sidewalks and enhancing other general city services; and

WHEREAS, in 1987, the electorate within the unincorporated area of Yucaipa approved a flat-rate special tax to fund the Paramedic Emergency Services Program, as provided by the San Bernardino County Service Area No. 38 (CSA 38); and

WHEREAS, in 1999, the City of Yucaipa assumed the responsibility for the provision of Fire and Paramedic Services, formerly provided by CSA 38; and

WHEREAS, in 2004, the City proposed, and the voters passed, Measure Y, titled "Paramedic Emergency Medical Services Special Tax" to fund the Paramedic Emergency Services Program; and

WHEREAS, according to the Impartial Analysis for Measure Y, the then-new special tax was anticipated to fully fund paramedic services city-wide for approximately ten years, "after which time the City Council and the voters will determine whether further increases in the tax will be necessary in order to continue to fund paramedic service with special tax revenues"; and

WHEREAS, the revenue collected from the Special Tax is now insufficient to fully fund the City's Paramedic Services; and

WHEREAS, over the past decade, the City of Yucaipa's revenues have not kept pace with the growing costs associated with providing the high quality local general municipal services and facilities that Yucaipa residents expect and deserve, including (but not limited to) emergency response

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services provided by Cal Fire, specifically the Paramedic Program which has operated at a deficit since Fiscal Year 2015, the San Bernardino County Sheriff's Department, and youth and senior services; and;

WHEREAS, in order to address these looming fiscal issues as soon as possible the City Council desires to place a local funding measure on the ballot to provide a stable source of general fund revenue to sufficiently fund the ongoing costs of the Paramedic Program, to enhance and maintain the City's infrastructure, and keep the many important services the City provides with general fund revenue; and

WHEREAS, many recipients and potential recipients of the City's services are non- resident employees, travelers, and visitors who are consumers of goods and services in Yucaipa, but not property owners in Yucaipa; and

WHEREAS, in order to ensure the City's fiscal stability, an additional revenue source is required that spreads the cost of municipal infrastructure and services more equitably across the population it serves; and

WHEREAS, an additional source of local funding is needed to ensure the City is able to maintain its local fire department and that the City has enough police, firefighters and paramedics to respond quickly to keep our community safe; and

WHEREAS, an additional source of local funding would also maintain streets and repair potholes and help fund senior and youth programs; and

WHEREAS, by keeping the City safe, clean and well maintained, if enacted, a local funding measure would help protect residents' quality of life and property values; and

WHEREAS, California Elections Code section 9222 authorizes the City Council to submit to the voters a proposition for the enactment of any ordinance at an election held not less than 88 days after the date of the order of election.

WHEREAS, the City Council wishes to call the Special Election and place a 0.5% general transactions and use tax measure on the ballot.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

**Section 1. Findings.** The City Council finds that all of the preceding recitals are true and correct.

**Section 2. Call for Special Municipal Election.** Pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Yucaipa, California, on Tuesday, March 3, 2019, a Special Municipal Election for the purpose of presenting voters with a proposed transactions and use general tax measure at a rate of 0.5%, the revenue from which would fund general municipal infrastructure and services. If approved, the proposed tax would be collected and administered by the California Department of Tax and Fee Administration.

**Section 3. Submission of Measure.** Pursuant Article XIII C of the California

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Constitution, the City Council hereby declares a fiscal emergency based on the facts stated above, especially relative to the deficit in the Paramedic Program. Pursuant to Revenue & Taxation Code Section 7285.9, Elections Code Section 9222 and Government Code Sections 53723 and 53724, the City Council hereby approves and orders the following question regarding the adoption of an ordinance to be submitted to the voters at the special municipal election called for March 3, 2020:

To avoid cutbacks in Yucaipa’s existing paramedic program and increased response times on emergency 911 calls; generate funds from Yucaipa visitors to benefit local residents; enhance police and fire protection; increase local youth and senior services; and fund other general services provided throughout the City like streets and parks, shall the ordinance be adopted to increase the local sales tax by one-half percent; generating approximately \$2,000,000 annually, with citizen oversight, mandatory audits, and public reporting?	YES _____  NO _____
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**Section 4. Ordinance.** The complete text of the Ordinance being submitted to the voters pursuant to Section 3 of this Resolution is Ordinance No. 382 of the City of Yucaipa, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

**Section 5. Vote Requirement.** The vote requirement for the measure to pass is a majority (50% + 1) of the votes cast.

**Section 6. Impartial Analysis.** Pursuant to California Elections Code section 9280, the City Council hereby 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, and transmit such impartial analysis to the City Clerk within ten (10) days following the adoption of this Resolution.

**Section 7. This section intentionally left blank.**

**Section 8. Ballots.** The ballots to be used at the election shall be in the form and content as required by law.

**Section 9. Polls.** The polls for the election shall be open at seven o'clock a.m. 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, pursuant to Election Code §10242, except as provided in §14401 of the Elections Code of the State of California, or as determined by the County Elections Official for the consolidated election.

**Section 10. Notice of Election.** 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

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the election, in time, form and manner as required by law. Notwithstanding the generality of the foregoing, the City Clerk is hereby instructed to act in conformance with California Elections Code §10403 and to file a certified copy of this Resolution with the Board of Supervisors of San Bernardino County and to transmit a copy of the same to the San Bernardino County Elections Official forthwith.

**Section 11. Consolidation.** Pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of San Bernardino is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide Primary Election to be held on Tuesday, March 3, 2020. The consolidated election shall be held and conducted in the manner prescribed in §10418 of the Elections Code.

**A.** The County Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

**B.** The Board of Supervisors is requested to issue instructions to the County Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

**C.** The City of Yucaipa recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs incurred following presentation of a reasonably itemized invoice.

**Section 12. Certification.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED by unanimous vote this 25<sup>th</sup> day of November 2019.

ATTEST:

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JENNIFER CRAWFORD  
DEPUTY CITY MANAGER / CITY CLERK

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BOBBY DUNCAN  
MAYOR

**EXHIBIT “A”**

Proposed Transactions and Use Tax Ordinance  
[see attached behind this page]