

RESOLUTION NO. 18-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA (1) GIVING NOTICE OF THE SUBMISSION OF A BALLOT MEASURE QUESTION TO THE VOTERS OF THE CITY OF CUDAHY CONCERNING THE ENACTMENT OF A TEMPORARY THREE-QUARTER PERCENT (3/4%) TRANSACTIONS AND USE TAX TO BE IMPLEMENTED AS A GENERAL USE TAX; AND (2) SETTING ELECTION PROCEDURES AND PRIORITIES FOR THE FILING OF WRITTEN ARGUMENTS AND REBUTTALS REGARDING THE MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, at its Regular Meeting of June 5, 2018, the City Council of the City of Cudahy (the "City") approved Resolution No. 18-26, which (i) called for and gave notice of a General Municipal Election to be held on Tuesday, November 6, 2018 for the conduct of election contests for three of the City's five City Council seats; (ii) requested consolidation of such election with the County of Los Angeles; (iii) requested that the County of Los Angeles provide specific election administration services; (iv) adopted regulations for candidates for elective office for such election regarding candidate statements; and (v) provided for the determination of tie votes by lot unless the City Council adopts the provisions of Elections Code Section 15651(b) prior to the conduct of the election resulting in a tie vote; and

WHEREAS, at its Regular Meeting of July 3, 2018, the City Council adopted Resolution No. 18-33, calling and giving notice of a Special Municipal Election to be held Tuesday, November 6, 2018 for the purpose of filling a vacancy to a City Council seat and providing that the Special Municipal Election be consolidated with the County-administered General Municipal Election; and

WHEREAS, in addition to the election contests for four of the City's five City Council seats called for under Resolution Nos. 18-26 and 18-33, the City Council also called for the placement of a transactions and use tax measure as set forth in the proposed ordinance, attached hereto as **Exhibit "A"** and incorporated herein by reference (hereinafter, the "Ordinance"), on to the November 6, 2018 ballot by approval of this Resolution at the City Council's Regular Meeting of August 7, 2018; and

WHEREAS, Revenue and Taxation Code Section 7251, et seq. authorizes municipalities to establish local transactions and use taxes which can be added on to the existing County-wide sales tax; and

WHEREAS, Revenue and Taxation Code Section 7285.9 authorizes the legislative bodies of cities to levy a transactions and use tax for general revenue purposes pursuant to Section 7251, et seq. following approval by a two-thirds vote of the city council and approval by a majority vote of the qualified voters of the city; and

WHEREAS, the proposed Ordinance would implement a temporary three-quarter percent (3/4%) transactions and use tax which would be implemented as a general tax for a period of ten (10) years commencing from the statutorily authorized implementation date of the tax; and

WHEREAS, the transactions and use tax is a general tax, the revenue of which is to be placed in the City's general fund and used to pay for various unrestricted governmental purposes; and

WHEREAS, the City Council wishes to include the above-referenced transactions and use tax measure as part of the City's General Municipal Election ballot and included among the matters referenced under Resolution Nos. 18-26 and 18-33; and

WHEREAS, the City shall compensate the County of Los Angeles for all necessary expenses incurred by the County Registrar in performing election services for the City; and

WHEREAS, the City Council also approved the placement of the transactions and use tax measure onto the November 6, 2018 ballot in accordance with Revenue and Taxation Code Section 7285.9, which provides in relevant part: "The governing body of any city may ... extend a transactions and use tax for general purposes..., if the ordinance proposing the tax is approved by a two-thirds vote of that governing body and the tax is approved by a majority vote of the qualified voters of the city voting in an election on the issue..."; and

WHEREAS, the proposed measure will only take effect if approved by a majority of votes cast at the City's General Municipal Election of November 6, 2018 which is to be consolidated with the County-administered General Election of the same date.

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

SECTION 1. The recitals above and findings therein are true and correct and incorporated into the body of this Resolution by this reference.

SECTION 2. Pursuant to the requirements of the laws of the State of California relating to general law cities and Elections Code Sections 9222 and 12001, the City Council hereby orders and calls a General Municipal Election to be held in the City of Cudahy, California on Tuesday, November 6, 2018, to be consolidated with the County-administered General Election to be held on the same day, for the purpose of submitting to the qualified electors a Measure (hereinafter, the "Measure") seeking approval of the enactment of a temporary three-quarter percent (3/4%) transactions and use tax in the manner described in the Ordinance attached hereto as **Exhibit "A."** The proposed transactions and use tax shall expire automatically on the tenth (10th)

anniversary from the date the subject tax takes effect, unless an extension of the tax is approved by the voters at a subsequent election.

SECTION 3. This Resolution is one of three resolutions submitted to the Board of Supervisors and County Registrar by the City Council relating to the City's General Municipal Election of November 6, 2018. The first resolution, Resolution No. 18-26, referenced above, (i) called for and gave notice of a General Municipal Election to be held on Tuesday, November 6, 2018 for the conduct of election contests for three of the City's five City Council seats; (ii) requested consolidation of such election with the County of Los Angeles; (iii) requested that the County of Los Angeles provide specific election administration services; (iv) adopted regulations for candidates for elective office for such election regarding candidate statements; and (v) provided for the determination of tie votes by lot unless the City Council adopts the provisions of Elections Code Section 15651(b) prior to the conduct of the election resulting in a tie vote. The second resolution, Resolution No. 18-33, referenced above, called and gave notice of a Special Municipal Election to be held Tuesday, November 6, 2018 for the purpose of filling a vacancy to a City Council seat and providing that the Special Municipal Election be consolidated with the County-administered General Municipal Election. The City Council requests that the Measure be added to the list of items referenced under Resolution Nos. 18-26 and 18-33 that are to be placed on the ballot for the General Municipal Election to be consolidated with the County-administered General Election of the same date.

SECTION 4. Pursuant to the requirements of Section 10403 of the Elections Code, and as part of the City Council's request under Resolution Nos. 18-26 and 18-33, it is further requested that the Board of Supervisors consent and agree to the inclusion of the above-referenced Measure as part of the of the City of Cudahy's November 6, 2018 General Municipal Election which is to be consolidated with the County-administered General Election to be held on the same date.

SECTION 5. The ballot question for the Measure shall appear as follows:

Cudahy Services Preservation Measure To maintain and improve City services such as senior and youth services and programs and prevent significant cuts to essential services, including graffiti removal efforts, expanding and improving City park facilities, fixing City streets and public infrastructure, shall the City establish a three-quarter percent transactions and use (sales) tax to raise approximately \$750,000 annually, with annual financial audits, expenditure reports, and financial oversight, which will expire in 10 years?	Yes
	No

SECTION 6. It is respectfully requested that the Board of Supervisors authorize and direct the County Registrar to canvass the returns of the City's consolidated General Municipal Election (for the items referenced under Resolution Nos. 18-26 and 18-33 and the Measure referenced in this Resolution) and that such election be held in all respects as if it were part and parcel of the County-administered General Election of the same date. It is also respectfully requested that the County Registrar give the above-subject measure the letter designation "S" such that the measure may be identified as Measure "S" on the ballot.

SECTION 7. As the tax established under the Measure is a general tax within the meaning of Proposition 218 whose proceeds may be used for any unrestricted general revenue purpose, the vote requirement for passage of the proposed Measure is a simple majority of the votes cast (50% plus 1).

SECTION 8. It is respectfully requested that the Board of Supervisors authorize and direct the County Registrar to:

- A. Print and supply ballots for the General Municipal Election;
- B. Mail the ballot question, ballot arguments, rebuttals, and the City Attorney's impartial analysis to the registered voters in the City of Cudahy.

SECTION 9. It is also respectfully requested that the Board of Supervisors issue instructions to the County Registrar to take any and all additional steps necessary for the holding of the consolidated election requested above.

SECTION 10. The City of Cudahy shall reimburse the Registrar for any additional costs attributable to the inclusion of the Measure on the ballot of the General Municipal Election to be consolidated with the County-administered General Election of November 6, 2018.

SECTION 11. The complete text of the proposed Ordinance submitted to the voters is attached as **Exhibit "A"** to this Resolution.

SECTION 12. The ballots to be used at the election shall be in form and content as required by law.

SECTION 13. Direct Arguments in Support of and in Opposition to Measure: As authorized under Elections Code Section 9282(b), the City Council reserves the right to file a written argument in favor of this Measure or authorize any member or members of the City Council to do the same. Pursuant to Elections Code Section 9282(b), written arguments for or against the Measure may also be submitted by any individual voter who is eligible to vote on the Measure; any bona fide association of citizens; any combination of voters and associations or such other persons or entities as may be authorized under Elections Code Section 9282(b). The foregoing notwithstanding, if more than one set of arguments "in favor of" or "in opposition to" the Measure is timely submitted to the City Clerk, the City Clerk shall select only one argument for and one argument against in accordance with the selection priority set forth under Elections Code

Section 9287. That priority gives preference as follows: (a) The City Council or City Council-authorized members of the City Council; (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure; (c) A bona fide association of citizens; then (d) Individual voters who are eligible to vote on the measure. Pursuant to Elections Code Section 9283, a ballot argument will not be accepted unless accompanied by the printed name and signature or printed names and signatures of the author or authors submitting the argument, 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 who is the author of the argument. Pursuant to Elections Code Section 9283, no more than five (5) signatures shall appear with any argument submitted and if any argument is signed by more than five authors, the signatures of the first five shall be printed but not the signatures in excess of the first five. Ballot arguments in support of or in opposition to the Measure may not exceed 300 words in length. Consistent with Elections Code Section 9287(b), ballot arguments in favor of or in opposition to the Measure must be submitted to and received by the City Clerk by or before 4:00 p.m. on Friday, August 17, 2018. Arguments that are received by the City Clerk after this deadline will not be accepted. The City Clerk's Office is located at Cudahy City Hall, 5220 Santa Ana Street, Cudahy, California 90201.

SECTION 14. Rebuttals to Direct Arguments: Pursuant to Elections Code Section 9285, when the City Clerk receives an argument to the Measure that will be printed in the ballot pamphlet, the elections official shall send a copy of the argument in favor of the Measure to the authors of any argument against the Measure and a copy of the argument against the Measure to the authors of the argument in favor of the measure. To the extent permitted under Elections Code Section 9285(a)(2), the author or a majority of the authors of an argument (either in favor of or in opposition to) may prepare and submit a rebuttal argument or may authorize in writing any other person or person to prepare, submit or sign the rebuttal argument. No rebuttal argument may exceed 250 words in length. Pursuant to Elections Code Section 9285(a)(5), a rebuttal argument relating to the Measure may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument which it seeks to rebut. Consistent with Elections Code Sections 9285 and 9287(b), rebuttal arguments must be submitted to and received by the City Clerk by or before 4:00 pm on Monday, August 27, 2018. Rebuttals that are received by the City Clerk after this deadline will not be accepted. Again, the City Clerk's Office is located at Cudahy City Hall, 5220 Santa Ana Street, Cudahy, California 90201.

SECTION 15. City Attorney's Impartial Analysis: The City Council 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 showing the effect of the Measure on existing law and the operation of the Measure. The impartial analysis shall be filed with the City Clerk by or before August 17, 2018.

SECTION 16. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

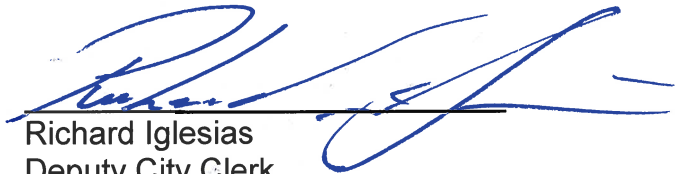
SECTION 17. The City Clerk shall forward without delay, a copy of this Resolution to the appropriate public agency which shall be assisting the City of Cudahy with the conduct of its General Municipal Election.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at its regular meeting on this 7th day of August 2018.



Chris Garcia
Mayor

ATTEST:



Richard Iglesias
Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Richard Iglesias, Deputy City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No.18-41 was passed and adopted by the City Council of the City of Cudahy at a regular meeting held on the 7th day of August 2018, and that said Resolution was adopted by the following vote, to-wit:

AYES: Gonzalez, Markovich, Hernandez, and Garcia

NOES: None

ABSENT: Sanchez

ABSTAIN: None


Richard Iglesias
Deputy City Clerk

EXHIBIT "A"

ORDINANCE NO. 692

