

RESOLUTION NO. 16-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA SUPPLEMENTING PRIOR CITY COUNCIL RESOLUTION NO. 16-26 TO INCLUDE THE SUBMISSION TO THE VOTERS OF THE CITY OF CUDAHY A BALLOT MEASURE TO ESTABLISH A PARCEL TAX ON ALL NON-EXEMPT REAL PROPERTY PARCELS IN THE CITY OF CUDAHY TO FUND PUBLIC SAFETY SERVICES

WHEREAS, the City Council of the City of Cudahy ("City Council") at its Regular Meeting of September 26, 2016 approved Resolution No. 16-26 which: (1) called for a gave notice of a General Municipal Election of Two City Councilmembers to be held March 7, 2017; (2) requested consolidation of such election with the County of Los Angeles with any and all elections held on such date; (3) requested the County of Los Angeles to provide specific election administration services for such election; (4) adopted regulations for candidates for elective office for such election regarding candidate statements; and (5) provided for the conduct of a special election in the event of a tie vote for such election of the two city councilmembers; and

WHEREAS, the City Council now wishes to include as part of its call for a March 7, 2016 General Municipal Election, the submission of a ballot measure to the voters of the City of Cudahy to consider and approve a parcel tax on all non-exempt real property parcels within the City of Cudahy to help pay for essential police protection services (the "Measure"); and

WHEREAS, the subject Measure is referred to the as the "2017 Temporary Public Safety Funding Ordinance"; and

WHEREAS, it is the purpose and intent of this Measure to authorize the levy of a tax on owners of real property that are within the city limits of the City of Cudahy in order to provide funding for police protection services; and

WHEREAS, the Measure, and the parcel tax to be established therein, is submitted for approval by the voters under the authority of, and in compliance with, Government Code Sections 37100.5; 50075 50077; 53722; 53724; 53739; and 53978; and

WHEREAS, the tax is a special tax within the meaning of Section 4 of Article XIII A and Article XIII C of the California Constitution because it will be used for specific purposes; and

WHEREAS, the tax is an excise tax and will not determined according to, nor in any manner based upon, the value of property. Rather, it will be based on the availability of police protection services to properties within the City; and

WHEREAS, the revenues raised by this tax are to be used solely for the purposes of providing police protection services; and

WHEREAS, the City Council recognizes that residentially and non-residentially developed parcels both use police protection services. The City Council has, therefore, determined that the tax should be imposed on both residentially and non-residentially developed properties; and

WHEREAS, although parcels that are unimproved contain no occupants who may avail themselves of police services, such parcels generally require and benefit from some police protection services and may be the response site of calls for service. Accordingly, the City Council has determined that owners of unimproved parcels shall be subject to this tax as well; and

WHEREAS, it is desirable that the City's March 7, 2017 General Municipal Election, inclusive of the above-subject ballot measure, be consolidated with any and all elections to be administered by Los Angeles County (the "County") on the same date and that the City have the same precincts, polling stations, and election officers within the City for such election; and

WHEREAS, the City Council affirms its wish for the Office of the Registrar-Recorder/County Clerk for the County of Los Angeles (the "Registrar") to canvass the returns of the City's March 7, 2017 General Municipal Election; and

WHEREAS, the City seeks the provision of election services from the Registrar relating to the conduct of the City's March 7, 2017 General Municipal Election; and

WHEREAS, the City Council approves the printing of the General Municipal Election information for the election to be held on Tuesday, March 7, 2017, in the foreign languages requiring translation pursuant to the Voting Rights Act of 1965; and

WHEREAS, Elections Code Section 13307 provides that the City may adopt regulations pertaining to the recovery of certain costs associated with the printing, handling, translation, and mailing of candidate statements as filed with the elections officer; and

WHEREAS, the City shall compensate the County for all necessary expenses incurred by the County in performing election services for the City, including such additional expenses now attributable to the addition of the above-subject ballot measure; and

WHEREAS, Elections Code sections 9280 et seq. sets forth the procedures and requirements for the preparation and submission of ballot arguments and corresponding rebuttal arguments in connection with City-initiated ballot measures.

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

SECTION 1. The Recitals, above, are true and correct.

SECTION 2. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, as part of the call for a General Municipal Election as specified under prior Resolution No. 16-26 approved September 26, 2016, the City Council also orders submitted to the voters the following ballot measure question:

Shall the 2017 Temporary Public Safety Funding Ordinance imposing an excise tax of \$139 per parcel per year on single-family and unimproved property; \$181 per dwelling per year on multifamily property; and between \$1,550 to \$49,600 per parcel per year on industrial, commercial, mobilehome park and other nonresidential properties be adopted for 5 years to raise approximately \$2,000,000 per year to pay for approximately half of the City's annual cost of providing police protection services?	YES [<input type="checkbox"/>]
	NO [<input type="checkbox"/>]

The Measure requires 2/3's majority approval of those casting votes in order to be approved. The City respectfully requests that the letter designation "Measure PS" be assigned to this Measure by the Registrar if such letter designation is available and if Measure PS is not available that the designation "Measure S" be assigned.

SECTION 3. That the complete text of the proposed ordinance submitted to the voters is attached as **Exhibit "A"** to this resolution.

SECTION 4. The ballots to be used at the election shall be in form and content as required by law.

SECTION 5. The City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall cause to be prepared an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the Registrar for the filing of the primary arguments.

SECTION 6. Direct Arguments In Support 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, December 16, 2016. 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 7. 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 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 Tuesday, December 27, 2016. 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.

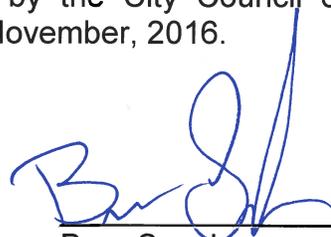
SECTION 8. The City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure showing the effect of the Measure on existing law and the operation of the Measure. The impartial analysis shall be filed by December 12, 2016, with the City Clerk for the filing of direct arguments in favor of or in opposition to the Measure.

SECTION 9. The City of Cudahy shall reimburse the Registrar for any additional costs attributable to the inclusion of the Measure as part of the City's General Municipal Election which the County Registrar with the administration of the City March 7, 2017 General Municipal Election.

SECTION 10. 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.

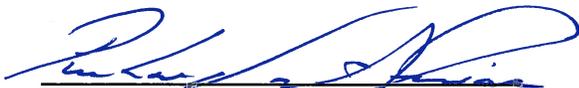
SECTION 11. The City Clerk shall forward without delay, a copy of said resolution to the Los Angeles County Board of Supervisors, the Registrar and to the City Clerk of the City of Los Angeles.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at its regular meeting on this 14th day of November, 2016.



Baru Sanchez
Mayor

ATTEST:



Richard Iglesias
Deputy City Clerk

CERTIFICATION

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. 16-36 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the Deputy City Clerk at a regular meeting of said Council held on the 14th November, 2016, and that said Resolution was adopted by the following vote, to-wit:

AYES: Garcia, Markovich, Hernandez, Sanchez

NOES: Guerrero

ABSENT: None

ABSTAIN: None


Richard Iglesias
Deputy City Clerk