

RESOLUTION NO. 2013-114

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK:
(1) CALLING AN ELECTION TO ASK THE VOTERS OF THE CITY OF ROHNERT
PARK TO APPROVE THE CONTINUATION OF AN EXISTING GENERAL
TRANSACTIONS AND USE TAX OF ONE-HALF CENT; (2) APPROVING THE FORM
OF THE ORDINANCE TO BE SUBMITTED TO THE VOTERS; (3) REQUESTING
THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA
CONSOLIDATE THE ELECTION WITH THE ESTABLISHED ELECTION TO BE
HELD ON NOVEMBER 5, 2013; AND (4) DIRECTING THE COUNTY ELECTIONS
DEPARTMENT TO CONDUCT THE ELECTION ON THE CITY'S BEHALF**

WHEREAS, Rohnert Park was founded in 1962 to create a safe, middle-class community with easy access to neighborhood parks and pools, and recreational activities, and it is our goal to maintain our quality of life and keep Rohnert Park a safe place to live, work and raise a family;

WHEREAS, in an election held in June 2010, a majority of the voters approved an essential services temporary funding measure which imposed a sales tax of one-half cent (0.5%) on the sale or consumption of tangible personal property within the City of Rohnert Park (the "Sales Tax"), and since then the City has been able to reduce crime rates and the City's budget deficit, as well as keep open the Spreckels Performing Arts Center, the City's community center and the senior center and by continuing this existing sales tax we can keep things on the right track;

WHEREAS, the City's Transactions and Use Tax Ordinance imposing the Sales Tax is found in Chapter 3.21 of the City's Municipal Code;

WHEREAS, Section 3.21.150 of the City's Municipal Code sets forth a termination date of the Sales Tax on September 30, 2015, the fifth anniversary of its adoption, which will repeal the Sales Tax unless continued by a majority of the voters of the City;

WHEREAS, this measure does not create a new tax and would simply continue the existing sales tax, at existing rates, that the City has relied upon to maintain essential services;

WHEREAS, continuing the existing sales tax ensures our City has a guaranteed source of local funding for our vital City services that cannot be taken by Sacramento, ensuring our tax dollars are spent locally for Rohnert Park residents;

WHEREAS, the City Council desires to submit to the voters at a special municipal election on November 5, 2013 a proposed ordinance to continue the Sales Tax;

WHEREAS, when a City seeks voter approval to continue a Sales Tax, article XIII C, section 2(b) of the California Constitution requires the election to be consolidated with the general municipal election for City councilmembers, except in cases in which a City Council has unanimously declared that there is a fiscal emergency.

WHEREAS, the next general municipal election is not scheduled until November 2014. If the City waited until November 2014 and the Sales Tax is not continued by the voters, it will be repealed in 2015 and the City will have to make drastic cuts to essential services to address the loss of revenue. An election earlier than November 2014 is therefore required;

WHEREAS, by the adoption of Resolution No. 2013-106, the City has unanimously declared that a fiscal emergency exists in accordance with article XIII C, section 2(b) of the California Constitution, and therefore an election prior to November 2014 is permitted;

WHEREAS, the City has seen dramatic decreases in revenue because of a declining economy and continued takeaways by the State;

WHEREAS, the State has already taken millions of dollars from Rohnert Park – reducing the City’s revenue by \$1.4 million in the past year alone – and those cuts present significant fiscal challenge to our City;

WHEREAS, the City has slashed its budget by cutting service positions, reforming employee pensions, purchasing essentials with grant funding, conserving energy to keep costs down, and participating in purchase pools with other cities to lower expenses;

WHEREAS, the City has had to freeze positions in all City Departments, including a dramatic reduction to Public Safety Department – from 80 Public Safety Officers to the current total of 57 today. This reduction in Public Safety Officers has increased our response times in both the police and fire departments. Increased response times to 911 calls potentially place our citizens at risk in emergency situations where every second counts;

WHEREAS, the City has projected a significant General Fund operating deficit over the next several years should the current economic trends continue;

WHEREAS, while the City has already made budget cuts to address its deficit to all departments, including significantly reducing the total number of City employees, the City still faces more cuts to essential City services, street paving and pothole repair, and park maintenance;

WHEREAS, based upon a community opinion survey conducted this year, the community has expressed a clear interest in supporting the City in order to maintain 911 emergency and medical response services, preserve the safety of Rohnert Park, maintain gang and sex offender enforcement, and maintain and protect vital police and fire services provided by the City’s Public Safety Officers;

WHEREAS, the community opinion survey also shows over two-thirds of respondents would support continuing the Sales Tax to maintain and protect City services;

WHEREAS, the City Council held a noticed public hearing on July 23, 2013 to consider calling a special election to seek voter approval of a proposed general transactions (sales) and use tax as authorized by Revenue and Taxation Code section 7285.9;

WHEREAS, at the conclusion of that hearing, the City Council concluded that all of the information presented indicated that the Council should call an election as soon as possible to ask the voters of the City to approve an extension of the existing Sales Tax, the revenue from which could be used to support general municipal services;

WHEREAS, the existing Sales Tax is and would continue to be imposed on retail transactions involving, and use of, personal property. The tax rate is and would continue to be one-half of one percent (0.5%) of the sales price of the property. The tax revenue is and would continue to be collected by the State Board of Equalization and remitted to the City. The termination date would be eliminated and the tax would remain in effect until it is suspended by a unanimous vote of the City Council. The continuation of the existing tax shall be approved if the measure receives at least a majority of affirmative votes;

WHEREAS, Elections Code sections 9280 *et seq.* set forth the procedures for arguments in favor of or in opposition to any City measure and the procedures for rebuttal arguments;

WHEREAS, based on all of the information presented at the July 23rd 2013 meeting, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) and 15378(b)(2) and (4), this tax does not constitute a project under CEQA and therefore review under CEQA is not required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that the foregoing Recitals are true and correct and are hereby adopted by the City Council. Based on those Recitals, the Council unanimously finds and declares as follows:

SECTION 1. As declared by Resolution 2013-106, duly adopted on June 25, 2013, an emergency exists due to the City's impending budget deficit of approximately \$1.4 million, which threatens to cause severe reductions in City programs and services posing an immediate threat to the public health, welfare and safety of residents of the City of Rohnert Park.

SECTION 2. Pursuant to California Constitution article XIII C, Section 2, subsection (b); Government Code section 53724; and Elections Code section 9222, the City Council of the City of Rohnert Park hereby calls an election at which it shall submit to the qualified voters of the City, a measure relating to the adoption of a transactions and use tax. This measure shall be designated by letter by the Sonoma County Elections Department. Pursuant to Election Code section 10400 *et seq.*, the election for this measure shall be consolidated with the established consolidated primary election to be conducted on November 5, 2013.

SECTION 3. The Ordinance continuing the existing general transactions and use tax to be approved by the voters pursuant to Section 2, 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 5, 2013 election, as required by Revenue and Taxation Code section 7285.9, subject to the approval of a majority of the voters voting on the measure at the election called by the adoption of this Resolution. The Ordinance continues the existing Sales Tax and the existing rate of one-half of one percent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the City and one-half of one percent (0.5%) of the sales price of tangible personal property stored,

used or otherwise consumed in the City, without raising existing tax rates. The State Board of Equalization shall continue to collect the tax from retailers subject to the tax and remit the funds to the City.

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 to be published once in a newspaper of general circulation, printed, published, and circulated in the City of Rohnert Park and hereby designated for that purpose by the City Council of the City of Rohnert Park. The City Clerk may request that the County of Sonoma Elections Department prepare and publish the required notice.

SECTION 5. Pursuant to the requirements of the laws of the State of California relating to cities within said State, the following proposed measure shall be added to the ballot for the November 5, 2013, election and thereby submitted to the voters of the City:

<p>Rohnert Park Continuation of Essential City Services Funding Measure To preserve the safety and character of Rohnert Park, and maintain/protect general City services, including 9-1-1 emergency response; fire protection; neighborhood police patrols; gang/sex offender enforcement; disaster preparedness; street paving/pothole repair; park maintenance; and other essential services, shall the City of Rohnert Park continue a voter-approved ½ cent sales tax, subject to annual audits and public review, keeping money from Sacramento, and without raising existing tax rates?</p>	<input type="checkbox"/> Yes
	<input type="checkbox"/> No

SECTION 6. The official ballot to be used at said election shall conform to the laws of the State of California with relation thereto.

SECTION 7. The City Council authorizes the Registrar of Voters to consolidate this election with the established election on November 5, 2013, for the ease and convenience of the registered voters and to take advantage of any cost savings possible by such consolidation.

SECTION 8. The City Clerk may request the assistance of the County of Sonoma Election Department in regard to said General Municipal Election, as the City Clerk deems necessary.

SECTION 9. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 10. The election shall be held and conducted as provided by law for holding municipal elections.

SECTION 11. 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 12. The City Clerk is hereby directed to submit to the City Attorney a certified copy of the 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 Sonoma, for printing by the date set by the 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 13. In accordance with the provisions of the Elections Code (Sections 9290 and following), the Auditor is directed to prepare a fiscal analysis, and the Mayor is authorized and directed to submit an argument in support of the Measure and a response to any argument in opposition to the Measure.

SECTION 14. The City Clerk shall fix and determine a date for submission of arguments for or against said Measure, and said date shall be posted in the Office of the City Clerk.

SECTION 15. The election on the measure set forth in sections 3 and 5 of this resolution shall be held and conducted, the votes canvassed and the returns made, and the results ascertained and determined as provided for herein. In all particulars not prescribed in this resolution, the election shall be held as prescribed in the Elections Code of the State of California. The Board of Supervisors of the County of Sonoma is authorized to canvas the returns of that election with respect to the votes cast in the City of Rohnert Park and certify the results to the City Council. At the next regular meeting of the City Council occurring after the returns of the election have been canvassed and the certification of the results to the City Council, the City Council shall cause to be entered in its minutes a statement of the results of the election.

SECTION 16. This resolution shall be forthwith entered upon the minutes of this Council and kept and maintained by the City Clerk of the City of Rohnert Park.

SECTION 17. 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 18. The City Clerk is hereby ordered to certify to the adoption of this resolution, notice and proclamation, and to file copies hereof, so certified, with the Clerk of the Board of supervisors of the County of Sonoma and with the Registrar of Voters of the County of Sonoma, and to enter it into the book of original resolutions.

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This Resolution and the attached Ordinance are **PASSED AND ADOPTED** this 23rd day of July, 2013, by a two-thirds vote of the Council, by the following roll call vote:

AYES: FOUR (4) Councilmembers Ahanotu, Mackenzie, Callinan and Mayor Stafford

NOES: NONE (0)

ABSENT: ONE (1) Councilmember Belforte

ABSTAIN: NONE (0)



CITY OF ROHNERT PARK

Pam Stafford
Pam Stafford, Mayor

ATTEST:

JoAnne Buergler
JoAnne Buergler, City Clerk

APPROVED AS TO FORM:

Michelle Marchetta Kenyon
Michelle, Marchetta Kenyon, City Attorney

Attachments: Exhibit A – Ordinance

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF ROHNERT PARK, CALIFORNIA, AMENDING THE
ROHNERT PARK MUNICIPAL CODE SECTION 3.21.150 TO CONTINUE THE
EXISTING TRANSACTIONS AND USE (SALES) TAX**

WHEREAS, on June 25, 2013, the City Council unanimously declared a fiscal emergency under Article XIII C, section 2(b) of the California Constitution by adopting Resolution No. 2013-106;

WHEREAS, pursuant to California Revenue and Taxation Code Sections 7285.9 and 7290, the City of Rohnert Park ("City") has the authority to levy a Transactions and Use (Sales) Tax for general purposes;

WHEREAS, in an election held in June 2010, the City Council proposed and a majority of the voters approved an essential services temporary funding measure which imposed a one-half cent sales tax (0.5%) on the sale or consumption of tangible personal property within the City of Rohnert Park (the "Sales Tax"),

WHEREAS, the City's Transactions and Use Tax Ordinance imposing the Sales Tax is found in Chapter 3.21 of the City's Municipal Code;

WHEREAS, Section 3.21.150 of the City's Municipal Code sets forth a termination date of the Sales Tax on the fifth anniversary of its adoption, which will repeal the Sales Tax on September 30, 2015, unless continued by a majority of the voters of the City;

WHEREAS, the City Council has determined that the continuation of the existing Sales Tax, without raising existing tax rates, is critical to funding the City's essential services, preserving the safety and character of Rohnert Park, and ensuring that our City has a guaranteed source of local funding that cannot be taken by Sacramento;

WHEREAS, the City conducted a community opinion survey which shows over two-thirds (2/3) of respondents would support continuing the Sales Tax to maintain and protect City services;

WHEREAS, the City Council, by adopting Resolution No. 2013-114, authorized placing the matter of continuing the Sales Tax before the voters of Rohnert Park at the November 5, 2013 election; and

WHEREAS, the termination date in Section 3.21.150 of the City's Municipal Code must be amended to continue the Sales Tax.

NOW, THEREFORE, the People of the City of Rohnert Park do ordain as follows:

SECTION 1: AMENDMENT. Section Chapter 3.21.150 of Chapter 3.21 (Transaction and Use Tax) of the Rohnert Park Municipal Code shall be amended to read as follows:

3.21.150 Termination Date

The authority to levy the tax imposed by this ordinance shall not expire, unless terminated by a unanimous vote of the City Council.

SECTION 2: FULL FORCE AND EFFECT. Except as herein otherwise expressly provided, Chapter 3.21 (Transaction and Use Tax) of the Rohnert Park Municipal Code shall remain in full force and effect.

SECTION 3: SEVERABILITY. The City Council hereby declares that every section, paragraph, sentence, clause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be submitted to the voters at an election to be held on November 5, 2013. Upon approval by a majority of the voters of the City voting on this Ordinance, the amendment of Chapter 3.21 of the City's Municipal Code shall take effect immediately and the Transactions and Use Tax shall be continued as provided for in this Ordinance.

SECTION 5: PUBLICATION. The City Clerk of the City of Rohnert Park is hereby directed to cause the following summary of the ordinance to be published in a newspaper of general circulation, published and circulated in the City of Rohnert Park:

Contingent upon majority voter approval, this ordinance amends the termination date of the existing transactions and use (sales) tax. The tax will no longer expire on the fifth anniversary. The tax will continue until terminated by a unanimous vote of the City Council.

SECTION 5: EXECUTION. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the voters of the City by signing where indicated below.

PASSED and ADOPTED by the City Council of the City of Rohnert Park on this 23rd day of July, 2013, by a two-thirds vote of the Council, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ROHNERT PARK

Pam Stafford, Mayor

ATTEST:

JoAnne Buergler, City Clerk

APPROVED AS TO FORM:

Michelle Marchetta Kenyon, City Attorney