

ORDINANCE NO.

ORDINANCE OF THE CITY OF SANTA ROSA AMENDING SECTION 3-26.120 OF THE SANTA ROSA CITY CODE (ADDED AS PART OF MEASURE O ADOPTED BY CITY VOTERS AT THE NOVEMBER 2004 ELECTION) TO CHANGE THE LEVEL OF FUNDING REQUIRED TO BE DEDICATED FOR CERTAIN PUBLIC SAFETY PURPOSES

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Section 3-26.120 of the Santa Rosa City Code is hereby amended to read as follows:

“Section 3-26.120. PERMISSIBLE USES: Expenditure Plan.

(A) The revenues of the tax shall only be used to fund the following uses and purposes. Funding with tax revenues of all other uses and purposes, except as provided in paragraphs (C) through (E) of this section, is prohibited.

(1) POLICE

- (a) Police patrol services;
- (b) Police traffic control services;
- (c) Gang enforcement, school resource services, and bicycle patrol;
- (d) Downtown, Railroad Square, and Prince Greenway police services;
- (e) Police support services, including facilities and equipment and the financing thereof.

(2) FIRE

- (a) Construction and relocation (including but not limited to land acquisition, facilities design, and use of temporary facilities) of fire stations and the financing thereof;
- (b) Hiring of additional Firefighters to staff fire stations;
- (c) Establishment of additional paramedic units within the Fire Department;
- (d) Purchase of specialized equipment for Fire Department use;

(3) GANG PREVENTION AND YOUTH PROGRAMS

- (a) Enhancing and improving in-school gang prevention and intervention curriculum and programs;
- (b) Adding new programs in neighborhoods affected by high levels of gang activity which emphasize positive role models, problem solving, and community safety;

(c) Providing additional after-school and summer programs which stress academic and social success, recreational activities, sports, athletic programs, and safe neighborhoods without fear of gangs, drugs or violence.

(d) Providing grants to organizations for youth and parenting programs which focus on gang and anti-violence education, prevention and intervention, community safety, and a comprehensive array of social services in high need neighborhoods.

(B) Of the tax revenues received by the City, forty percent (40%) shall be expended for Police purposes as specified in sections (a) through (e) of subparagraph (A)(1), forty percent (40%) shall be expended for Fire purposes as specified in sections (a) through (d) of subparagraph (A)(2) and twenty percent (20%) shall be used to fund the Gang Prevention programs and purposes as specified in sections (a) through (d) of subparagraph (A) (3).

(C) As a result of increased State revenue reductions to cities in fiscal years 2004-2005 and 2005-2006, the City Council may authorize the use of a portion of the tax revenues to fund the eleven Police Department positions (nine police officers and two staff positions) and two Fire Department emergency response companies (Engine-26 and Truck-2) that were not funded in the 2004-2005 budget, as adopted on June 17, 2004. The tax revenues may only be used for these purposes during fiscal years 2004-2005 and 2005-2006.

(D) The remaining tax revenues in fiscal years 2004-2005 and 2005-2006 and tax revenues received in subsequent years shall be used to enhance Police and Fire uses and purposes and Gang Prevention and Youth Programs as outlined in paragraph (A) and detailed in the Transactions and Use Tax Implementation Plan. Funding of the implementation plan may not be below the actual revenues received from the tax nor shall tax revenues be used to replace previously budgeted funds unless approved by six Council members based on a finding of fiscal crisis or catastrophic disaster. Tax revenues will not be used to supplant the general fund obligations to fund baseline services based upon population and economic conditions.

(E) If the State of California does not reinstate the Motor Vehicle License fee backfill revenues and property tax shifts associated with the Governor's current budget proposal and/or does not repay its loan from the City for Motor Vehicle License revenue lost in fiscal years 2003-2004, as currently anticipated, the City Council may, during fiscal year 2006-2007, consider the use of an amount of the tax revenue equal to the lost revenues and use that amount to fund the reductions in Police and Fire services identified in paragraph (C). The City Council shall first consider additional revenue growth received by the City.

(F) The Council, by resolution, shall approve, and may from time to time amend when approved by six Council members, a Transaction and Use Tax Implementation Plan which shall outline the uses and purposes and their funding, as authorized by this section, to which the tax revenues will be applied.

(G) During the continuation of the tax, annual funding of Police Department, Fire Department and Gang Prevention/Intervention Programs' purposes and uses that are funded under the City's 2015-2016 fiscal year budget, as adopted on June 17, 2015, may not be a lower percentage of City General Fund expenditures than was funded under the City's 2015-2016 fiscal

year General Fund budget, as adopted on June 17, 2015, unless a lower level of funding is first approved by the affirmative vote of six Council members.

(H) The Council, by resolution, shall establish a seven member Citizen Oversight Committee to annually review expenditures and appropriations of the tax revenues to ensure that all such revenues are spent or appropriated for the purposes and uses set forth in paragraph (A), in accordance with the allocation percentages set forth in paragraph (B), and, as specifically authorized, in paragraphs (C), (D) and (E). Each member of the Council shall appoint one member of the Committee who shall have a term coinciding with the term of the appointing Council member. Each Committee member shall be a resident of the City at the time of appointment and shall remain a resident of the City while serving on the Committee. The Mayor shall appoint the chairperson of the Committee subject to the approval of the majority of the Council. The Committee shall receive the assistance of City staff and shall issue an annual public report on the expenditures and appropriations of the tax revenues. The Committee shall undertake such additional duties as the Council may designate.”

Section 2. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 4. Effective Date. This ordinance, following its adoption by majority vote of the City Council and its publication, shall become effective upon the approval by a majority of the voters of the City voting thereon at an election called for that purpose.

This ordinance was introduced by the Council of the City of Santa Rosa on August 2, 2016.

IN COUNCIL DULY PASSED this 9th day of August, 2016.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

Interim City Attorney