

RESOLUTION NO. 28526

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS OF A MEASURE RELATING TO THE MODERNIZATION OF THE CITY'S UTILITY USERS TAX ORDINANCE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014; PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR THE MEASURE; AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE

WHEREAS, on May 13, 2014, the City Council by Resolution No. 28477 called a General Municipal Election to be held on Tuesday, November 4, 2014 and requested that the General Municipal Election be consolidated with the Statewide General Election to be held on that date; and

WHEREAS, the City Council also wishes to submit to the voters at the election a measure regarding the adoption of a modernized Utility Users Tax (UUT) ordinance; and

WHEREAS, the City's Utility User's Tax consultant has recommended that the City's UUT ordinance (Chapter 3-32) be modernized to address recent legal issues and changes in technology to avoid loss of revenue; and

WHEREAS, the Long Term Financial Policy Subcommittee recommended 2-1 to place a UUT modernization ordinance on the ballot in 2014; and

WHEREAS, on March 11, 2014, the City Council directed the City Attorney to prepare a ballot measure for modernization of the UUT ordinance for the November 2014 ballot; and

WHEREAS, the Council conducted a study session on May 20, 2014, at which the City's consultant provided additional information regarding the need to update the UUT ordinance; and

WHEREAS, the proposed ordinance would lower the tax rate to 4.5 percent for all utilities and modernize the language as recommended by the consultant to address taxation of new technologies that are replacing standard telephone land lines, and retain the existing cap of \$1,000 per utility per customer; and

WHEREAS, the Council wishes to authorize rebuttal arguments as described in Elections Code Section 9285; and

WHEREAS, the City Council finds and determines that under the California Environmental Quality Act (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 that the Council of the City of Santa Rosa resolves, declares, determines and orders as follows:

1. Pursuant to Government Code section 53724, Elections Code section 9222, and California Constitution Article XIIC, the City Council of the City of Santa Rosa hereby submits the ordinance attached hereto as Exhibit "A" to the voters at the November 4, 2014, General Municipal Election and orders the following question to be submitted to the voters at the election:

<p>MEASURE _____</p> <p>UUT MODERNIZATION AND FAIRNESS MEASURE</p>	<p><input type="checkbox"/> YES</p>
<p>Shall the Utility Users Tax Ordinance (UUT) be amended to: reduce the tax rate from 5% to 4.5%; exempt low income users; modernize the ordinance to include wireless and other technologies to treat taxpayers the same regardless of technology; and help maintain essential city services, with all money staying local for services and facilities in Santa Rosa?</p>	<p><input type="checkbox"/> NO</p>

2. The Board of Supervisors is requested to issue instructions to the Sonoma County Registrar of Voters to take any and all steps necessary for the holding of the consolidated election. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.
3. The Sonoma 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, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.
4. The City of Santa Rosa recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.
5. 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 the election in the time, form and manner as required by law.
6. Arguments for and against any proposed ballot measure may be filed consistent with Elections Code 9282 et. seq. 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.

7. The City Council adopts the provisions of Elections Code section 9285 to allow rebuttal arguments for all City of Santa Rosa ballot measures upon the adoption date of this resolution. All previous resolutions providing for the filing of rebuttal arguments for City measures are hereby repealed. This provision shall apply only to the General Municipal Election to be held on November 4, 2014, and shall then be repealed.
8. Pursuant to Elections Code Section 9280, the City Clerk is hereby directed to transmit a copy of this resolution to the City Attorney, who shall prepare an impartial analysis of the ballot measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure.
9. The City Clerk is directed to file a certified copy of this resolution with the Sonoma County Board of Supervisors, the Sonoma County Clerk, and the Sonoma County Registrar of Voters,
10. The City Clerk shall certify to the passage and adoption of this resolution and the attached ordinance and enter it into the book of original resolutions.

IN COUNCIL DULY PASSED by a two-thirds vote this 29th day of July, 2014.

AYES: (6) Mayor Bartley, Vice Mayor Swinth, Council Members Carlstrom, Combs, Olivares, Ours

NOES: (1) Council Member Wysocky

ABSTAIN: (0)

ABSENT: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney

Attachment: Exhibit A – Proposed Utility Users Tax Ordinance