

BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA

In The Matter Of:

Resolution for the Submission)	
to the Voters of a Ballot)	Resolution No. 43-20
Question Related to A)	
Transactions and Use Tax in)	
the Tuesday, November 3, 2020)	
Municipal Election)	

WHEREAS, the voters of the City of Orinda approved Measure L on November 6, 2012, which added a local Transactions and Use Tax (“TUT”) of 0.5% (one-half cent) to remain in place for 10 years unless approved for extension by the voters; and

WHEREAS, the current Transactions Use Tax approved by the voters in 2012 is set to expire on March 31, 2023; and

WHEREAS, State Law requires that absent a declaration of Fiscal Emergency the consideration of general taxes must occur on the same ballot as City Council positions are also on the same ballot; and

WHEREAS, this means that November 2020 and November 2022 are the only scheduled elections where consideration of extending the current Transaction Use Tax can be included on a ballot; and

WHEREAS, the City currently does not have long-term discretionary and locally controlled funding available to address unmet needs for important and valued public services; and

WHEREAS, Community input from public meetings, Citizens’ Infrastructure Oversight Commission, community surveys, and studies have identified multi-million dollar needs over the next twenty years that are without any defined funding source to accomplish them; and

WHEREAS, the needs include critical public efforts to address things such as: the increasing threat of wildfires; additional emergency and disaster response planning; public drainage infrastructure in need of repair; and the continued maintenance and rehabilitation of public streets and roads to protect recent major investments made since 2013 to improve their condition; and

WHEREAS, the timeframe for meeting identified unmet needs extends beyond both, the life of the current Transactions Use Tax (expiring in 2023) and the annual funding that is derived from levying 0.5% (currently \$1.2 million per year); and

WHEREAS, the revenue generated by an increased and extended TUT would be available for the City Council to annually appropriate from the City’s general fund for general city services including unmet needs such as; wildfire threat reduction activities, emergency and disaster planning, rehabilitation of the City’s public drainage facilities, and ongoing maintenance of the City’s public roads;

WHEREAS, on June 16, 2020 the City Council adopted Resolution No. 36-20 which has ordered a municipal election to be held on November 3, 2020; requested and consented to its consolidation; and authorized the County to conduct the election on behalf of the City and canvass the results; and

WHEREAS, the City Council is requesting and consenting to the consolidation of this ballot question and proposed Ordinance with the municipal election on November 3, 2020;

WHEREAS, Elections Code section 9222 authorizes the City Council to submit proposed ordinances directly to the voters without collecting signatures for the same; and;

WHEREAS, Government Code section 53724 authorizes the City Council, by two-thirds vote, to submit proposed taxes to the voters; and

WHEREAS, attached to this Resolution is “An Ordinance Amending Title 3 – Revenue and Taxation, Chapter 3.14, Transactions and Use Tax, of the City of Orinda Municipal Code,” which is the Ordinance that the City Council is submitting to the electorate on November 3, 2020, and which, if approved by a majority vote of the electorate, will become law; and

WHEREAS, Election Code section 9285 authorizes the City Council to adopt provisions for the filing of rebuttal arguments for city measures submitted at municipal elections;

NOW, THEREFORE, BE IT RESOLVED:

1. **Consolidation of Election.** The municipal election called for Tuesday, November 3, 2020 shall include the submission of a ballot measure which would ask City voters to approve the proposed Ordinance (“proposed Ordinance” or “Measure”) as described herein.
2. **Form of Ballot Measure.** The City Council, pursuant to its right and authority, orders submitted to the voters at the November 3, 2020 municipal elections the following question:

ORINDA ESSENTIAL SERVICES MEASURE	
To help maintain and enhance essential City services, including wildfire risk reduction throughout Orinda, preparation for emergencies and disasters, repair of public storm drains, continued public street maintenance, and other city services, shall the City of Orinda increase its existing one-half cent sales tax to one cent, which would generate approximately \$2.4 million annually for a period of twenty years, with financial audits, public review of all expenditures, and a citizens’ oversight committee?	YES
	NO

3. **Majority Vote Required.** If the Measure receives approval by the majority of the voters voting on it, the Measure is approved and the proposed Ordinance is adopted.
4. **2012 Measure L.** If the Measure is approved by the majority of voters voting on it, then upon the operative date of the proposed Ordinance, the 0.5% TUT authorized by

Measure L, which was approved by the electorate of the City of Orinda on November 6, 2012, will be rescinded and replaced.

5. **Full Text of Ordinance.** The full text of the proposed Ordinance is attached hereto as Exhibit A. The full text shall not be printed in the Voters' Pamphlet, but shall be made available on the City's website. Additionally, the City Clerk shall make it available in response to any request.
6. **Impartial Analysis.** The City Clerk is instructed to transmit the Measure to the City Attorney along with a request that an impartial analysis be prepared for inclusion in the Voters' Pamphlet. Pursuant to Elections Code section 9280, the City Attorney shall prepare an impartial analysis, which shall be filed with the City Clerk no later than 5:00 p.m. on August 14, 2020.
7. **Deadline for Submittal of Ballot Arguments.** The deadline for submission of arguments in favor of and arguments against the Measure is 5:00 p.m. on August 19, 2020. Arguments shall be submitted to the City Clerk. If more than one argument for or against is received, the priorities established by Elections Code Section 9287 shall control.
8. **Adoption of Procedure for Rebuttal Arguments.** The provisions of Elections Code section 9285 are adopted and shall control the submission of rebuttal arguments. The rebuttal arguments not exceeding 250 words shall be filed with the City Clerk. The deadline for submission of rebuttal arguments is 5:00 p.m. on August 24, 2020. All previous resolutions providing for filing of rebuttal arguments for city measures are repealed.
9. **Ballot Arguments Submitted by the City Council.** The City Council authorizes the following members of its body: Mayor Darlene Gee and Vice Mayor Amy Worth to file a written argument in favor of the Measure as specified above. The argument should not exceed 300 words and should be accompanied by the printed name(s) and signature(s) of the persons submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code. The two council member authors may select up to three additional individuals to sign the argument in favor. The foregoing authorization also applies to the rebuttal argument.
10. **Reimbursement of County's Costs.** The City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs.
11. **Notice of Election.** 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.
12. **Letter Designation.** Pursuant to section 13116 of the Elections Code, the City Clerk of the City of Orinda and the County Clerk-Recorder-Registrar are hereby authorized to mutually agree to use a letter designation for the Measure that will not conflict with the other measures on the ballot or confuse the voters.

13. **Conduct of Election.** That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.
14. **Filing with County.** The City Clerk is directed to file with the Board of Supervisors and the County Clerk-Recorder-Registrar of Contra Costa a certified copy of this Resolution at least 88 days before the date of the election.
15. **Certification of Resolution.** The City Clerk is hereby authorized to do all things necessary and proper to implement the provisions of this Resolution, including certifying the passage and adoption of this Resolution and entering it into the book of original Resolutions.

Adopted by the City Council of the City of Orinda at a meeting on [DATE] by the following vote:

AYES: COUNCILMEMBERS:
 NOES: COUNCILMEMBERS:
 ABSENT: COUNCILMEMBERS:
 ABSTAIN: COUNCILMEMBERS:

 Darlene Gee, Mayor

ATTEST:

 Sheri Marie Smith, City Clerk

Exhibit A: An Ordinance Amending Title 3 – Revenue and Taxation, Chapter 3.14, Transactions and Use Tax, of the City of Orinda Municipal Code