

CITY OF GREENFIELD
RESOLUTION NO. 2015-48

A RESOLUTION OF THE CITY OF GREENFIELD CALLING AND GIVING NOTICE OF THE HOLDING OF A MUNICIPAL ELECTION TO ASK THE VOTERS OF THE CITY OF GREENFIELD TO APPROVE AN EXTENSION OF THE TRANSACTIONS AND USE TAX OF ONE PERCENT; FINDING AND DECLARING THAT AN EMERGENCY EXISTS THAT REQUIRES ASKING THE VOTERS TO APPROVE A TRANSACTIONS AND USE TAX BEFORE THE NEXT REGULAR ELECTION; REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY CONSOLIDATE THE ELECTION WITH THE ESTABLISHED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015 AND REQUESTING THAT THE COUNTY OF MONTEREY CONDUCT SUCH AN ELECTION ON THE CITY'S BEHALF

WHEREAS, pursuant to Elections Code Section 10002, the governing body of the City of Greenfield may by resolution request the Board of Supervisor of the County of Monterey to permit the Monterey County Election official to render specified services to the City of Greenfield relating to the conduct of an election; and

WHEREAS, the resolution of the City Council of the City of Greenfield shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the City of Greenfield shall reimburse the County of Monterey in full for the services performed upon presentation of a bill to the City of Greenfield; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, same territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers call the elections; and

WHEREAS, pursuant to Election Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution or order calling the election; and

WHEREAS, various districts, county, state or other political subdivision elections may be or have been called to hold on November 3, 2015;

WHEREAS, the City is facing a rising multi-million dollar deficit as a consequence of the severe global, national and regional financial crisis and;

WHEREAS, the City Council wishes to ensure that the City has the financial resources necessary to preserve the public health, safety, and welfare of the City and;

WHEREAS, the City will deposit all revenues it receives from the tax in the general fund of the City to be expended for any lawful public purpose and;

WHEREAS, Section 3.26.150 of the City' s Municipal Code sets forth a termination date of the Transactions and Use Tax on September 30, 2017, the fifth anniversary of the operative date, which will repeal the Transactions and Use Tax unless extended by a majority of the voters of the City;

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

WHEREAS, continuing the existing transaction and use 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 Greenfield residents;

WHEREAS, when a City seeks voter approval to enact or continue a Transactions and Use 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 City has seen dramatic decreases in revenue because of a declining economy and continued takeaways by the State;

WHEREAS, the City has slashed its budget by cutting service positions, reforming employee health care, 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 projected a significant long term General Fund operating deficit over the next several years should the current transaction and use tax be discontinued;

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, the existing Transactions and Use Tax is, and would continue to be, imposed on retail transactions and use of personal property. The tax rate is, and would continue to be, One Percent (1.0 %) 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 extension of the existing tax shall be approved if the measure receives at least a majority of affirmative votes;

WHEREAS, since 1993, Greenfield has been required by State legislation to pay for booking fees and property tax administration, another loss of general fund revenues that would otherwise be available for essential City services; and

WHEREAS, the State has eliminated the Greenfield Redevelopment Agency, resulting in a loss of over \$1.6 million annually to the City and greatly decreased the City's ability to promote economic development and retail growth along US 101; and

WHEREAS, City employees agreed to defer or forego compensation adjustments and to increase their contributions to offset increased benefit costs to help maintain the current level of service; and

WHEREAS, extending existing, voter-approved funding at the one percent cent tax rate will continue to address city service and delivery needs; and

WHEREAS, additional funding will maintain current levels of police services, including neighborhood patrols, crime prevention programs, and rapid 9-1-1 response times; and

WHEREAS, Greenfield is a community struggling with the effects of gang-related violence, with a 2012 murder rate of six times the national rate, and is at risk of having more murders without continued diligence of its Police Department; and

WHEREAS, local funding would help maintain and protect City services for children and teens, including pre-school and after-school programs; and

WHEREAS, the City wishes to continue to address service priorities that the public has identified such as police and recreation, earthquake and disaster preparedness programs, and maintaining city parks, paths, playfields and open spaces; and

WHEREAS, any local funding would continue to require citizens' oversight, mandatory financial audits, and yearly reporting to the community to continue to ensure that all voter-approved funds are spent as promised; and

WHEREAS, at its June 9, 2015 meeting, the City Council adopted biennial operating and capital budgets for FY 2015-16 and FY 2016-17 that recognize the need for additional revenue to maintain and preserve the level of services and adequate reserves desired by residents of the City; and

WHEREAS, the City Council has concluded that all of the information presented indicates that, to obtain the revenue necessary to maintain and preserve service levels, the Council will ask the voters of the City to approve an extension of the current Transactions and Use Tax, the revenue from which would be used to continue to support general municipal services; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenfield 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:

1. The City is experiencing an existing and immediate funding crisis, which is the result of factors largely outside of its control, including national economic trends,

rapid increases in the cost of employee retirement and health insurance benefits, decreases in revenue from existing taxes and fees, increases in charges by the County of Monterey, the loss of the Greenfield Redevelopment Agency and unpredictable State takeaways of local revenue.

2. "Measure X" Transactions and Use Tax revenues have provided the City with a guaranteed source of local funding for local City services that cannot be taken by the state, and have helped maintain the financial viability of the City.
3. Since voters enacted "Measure X", the City has maintained a full-service Police Department and successfully recruited and employed a professional Police Chief, with the ability to prevent and investigate property, domestic violence, and other types of crime.
4. External costs beyond the City's control have increased faster than the City's revenue sources, including "Measure X", to sustain existing service levels without the extension of this special tax.
5. The City has taken significant steps to reduce its operational costs by eliminating costly management and administrative positions including Assistant City Manager, Public Works Director, Economic Development Director, Community Development Director, Building Inspector, Office Assistant and Police Services Technician.
6. The City has used its available General Fund balance to bridge the structural budget deficit, meaning it has used all available financial resources and will have none available to maintain services.
7. Due to changes in State law, particularly the approval of Propositions 62 and 218, the City has very few means available for increasing General Fund revenue.
8. Absent an extension and enhancement of the funds provided by "Measure X", the City Council would have no choice other than to implement severe reductions in City services and potential elimination of the Police Department and the loss of local law enforcement control.
9. Without further action, "Measure X" will expire on October 1, 2017, resulting in the annual loss of over \$1.2 of revenues for essential City services.
10. Unless "Measure X" revenues are enhanced and extended, public facilities and property will not be properly maintained, public safety standards will degrade, crime and violence will increase, the community will not have adequate and safe recreational opportunities, businesses and families will be discouraged from moving to or remaining in Greenfield, and the health, safety, and welfare of the residents of Greenfield will be endangered.
11. Because of that threat to the public health, safety, and welfare, an emergency exists in the City, as the term "emergency" is used in Article XIII C, section 2(b) of the California Constitution. The City must immediately address that emergency by ensuring that the City has the resources necessary to preserve the public health, safety, and welfare of the community.

12. The identified emergency necessitates that the City Council submit a tax measure to the voters of Greenfield at the November 3, 2015 election, even though such an election would not be consolidated with a general election for a member of the Council.

IT IS HEREBY FURTHER RESOLVED AS FOLLOWS:

- 13. Purpose and Intent.** In accordance with Government Code Sections 53724(a) and 50077(a), and Elections Code 9222, the City Council of the City of Greenfield hereby calls an election at which it shall submit to the qualified voters of the City, a transaction and use tax ordinance, which, if approved, would extend the 1% transactions and use tax. The proceeds received from the transactions and use tax are designated a general tax and shall be deposited into the City of Greenfield General Fund. This measure shall be designated by letter by the Monterey County Elections Department.

It is the intent of the City Council that revenues received from the existing transaction and use tax shall be unaffected by the modification and will remain a general tax, which can be placed in the general fund and used for any governmental purpose.

- 14. Placement of Measure on the Ballot.** Pursuant to California Elections Code Section 9222, the City Council hereby resolves that the ballot for the November 3, 2015 election shall include the measure herein described.

(a) **Ballot Language.** The ballot question for the measure shall be as follows:

Greenfield Continuation of Essential City Services Funding Measure. To preserve the health, safety and welfare of Greenfield, and maintain/protect general City services, including 9-1-1 emergency response; building protection; neighborhood police patrols; gang/sex offender enforcement; animal control; street maintenance/pothole repair; park maintenance; and other essential services, shall the City of Greenfield continue a voter approved 1 cent transaction and use tax, subject to annual audits and public review.	YES	
	NO	

The words "yes and no" shall be printed on the ballots so the qualified electors may express their choice.

This measure shall be designated by letter by the Monterey County Elections Department.

- 15. Proposed Ordinance.** The ordinance authorizing the special tax to be approved by the voters pursuant to Section 3 is as set forth in Exhibit 1 hereto. The City Council hereby approves the submission of the ordinance to the voters of the City at the November 3, 2015 election. The City requests that County of Monterey print Exhibit 1 in its entirety with the election materials.

16. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the City of Greenfield, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

17. Request to Conduct Election and Canvass Returns.

(a) The Ordinance authorizing the tax to be approved by the voters pursuant to Sections 2 and 3 of this Resolution is as set forth in Attachment 1 hereto. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the November 3, 2015 election. The Board of Supervisors of the County of Monterey is requested to order the County Registrar of Voters to set forth in the voter information portion of all sample ballots to be mailed to the qualified electors of the City the full text of the Ordinance and to mail with the sample ballots to the electors printed copies of the full text of the Ordinance, together with the primary arguments and rebuttal arguments (if any) for and against the measure, and to provide absentee voter ballots for the election for use by qualified electors of the City who are entitled thereto in the manner provided by law. The Ordinance specifies that the rate of the transactions and use tax shall be 1%, and that the tax shall be extended for 15 years. The State Board of Equalization shall collect the tax from retailers subject to the tax and remit the funds to the City.

(b) The City Clerk is authorized, instructed and directed to work with the Office of the Registrar of Voters as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The Office of the Registrar of Voters is authorized to canvass the returns of the general municipal election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

(c) The Board of Supervisors is requested to instruct the Office of the Registrar of Voters to provide such services as may be necessary for the holding of the consolidated election. The election shall be held in all respects as if there were only one election. The City of Greenfield recognizes that the County will incur additional costs because of this consolidation and agrees to reimburse the County for those costs. 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.

18. Submission of Ballot Arguments and Impartial Analysis.

(a) The last day for submission of ballot wording to the Board of Supervisors and Registrar of Voters is August 7, 2015.

(b) The last day for submission of direct arguments for or against the measure is August 14, 2015.

(c) The last day for submission of rebuttal arguments for or against the measure is August 24, 2015.

(d) Direct arguments shall not exceed 300 words and shall be signed by not more than five persons.

(e) Rebuttal arguments shall not exceed 250 words and shall be signed by not more than five persons.

(f) An impartial analysis showing the effect of the measure shall be prepared by the City Attorney.

(g) The City Council will prepare a written argument in favor of the proposed measure, not to exceed 300 words, on behalf of the City. In the event that an argument is filed against the measure, the two persons listed above are also authorized to select two members of the City Council to prepare a rebuttal argument on behalf of the City, which may also be signed by up to three other members of the City Council or bona fide associations or by individual voters who are eligible to vote.

(f) Pursuant to California Elections Code Section 9285, when the City Clerk receives the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument, which it seeks to rebut.

19. Effective Date. This Resolution shall become effective immediately upon its passage and adoption, and the City Clerk is directed to send certified copies of this Resolution to the Monterey County Board of Supervisors, to the County Clerk-Recorder, and County of Monterey Elections Department.

20. CEQA. This Resolution is exempt from the California Environmental Quality Act (Public Resources Code §21000, "CEQA") pursuant to CEQA guidelines 15060, "Preliminary Review," subdivision (c)(2) in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment; and 15378, "Project," subdivisions (2) and (4) of subdivision (b), in that this tax does not constitute a project under CEQA and therefore review under CEQA is not required.

21 Boundaries. The jurisdictional boundaries of the City of Greenfield have not changed since the last general municipal election.

PASSED AND ADOPTED this 28th day of July, 2015 by the following vote:

AYES: Mayor Huerta, Mayor Pro-tem Rodriguez, Councilmembers Walker, Torres and Santibanez

NOES: None

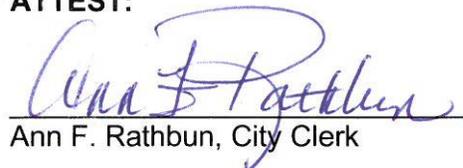
ABSENT: None

ABSTAIN: None



John P. Huerta, Mayor

ATTEST:



Ann F. Rathbun, City Clerk

EXHIBIT 1

ORDINANCE NO. 511

**AN ORDINANCE OF THE CITY OF GREENFIELD
EXTENDING THE 1% TRANSACTIONS AND USE TAX FOR GENERAL PURPOSES
TO CONTINUE TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

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

WHEREAS, a majority of the voters of the City approved a one percent (1.0%) Transactions and Use Tax at an election held on June 5, 2012;

WHEREAS, the City's Transactions and Use Tax Ordinance is found in Chapter 3.26 of Title 3 of the City's Municipal Code;

WHEREAS, Section 3.26.150 of Chapter 3.26 sets forth a "Termination Date" of the fifth anniversary of the operative date, at which time Chapter 3.26 will be repealed unless an amendment is approved by the voters of the City at an election called for that purpose; and

WHEREAS, an amendment of the City's Transactions and Use Tax will be submitted to the voters to extend the "Termination Date" of Chapter 3.26 indefinitely.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENFIELD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment. The definition of "Termination Date" in Section 3.26.150 of Chapter 3.26 of the City's Municipal Code is hereby amended to read as follows:

3.26.150 Definitions

(a) "Termination Date," as approved by the voters of the City of Greenfield, is amended to mean the authority to levy the tax imposed by this ordinance shall not expire.

Section 2. Approval by the Voters. This Ordinance shall be submitted to the voters at an election to be held on November 3, 2015. Upon approval by a majority of the voters of the City voting on this Ordinance, the Transactions and Use Tax set forth in Chapter 3.26 of the City's Municipal Code shall be re-authorized and extended.

EXHIBIT 1

PASSED AND ADOPTED this ___ day of _____, 2015, by a two-thirds vote of the City Council, by the following vote:

AYES, and all in favor, thereof Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

Mayor of the City of Greenfield

Attest: _____
City Clerk of the City of Greenfield