

RESOLUTION NO. 90-2015

CITY COUNCIL, CITY OF SOUTH SAN FRANCISCO, STATE OF CALIFORNIA

A RESOLUTION ESTABLISHING NOVEMBER 3, 2015 AS THE DATE FOR A MUNICIPAL ELECTION ON A PROPOSED BALLOT MEASURE SEEKING VOTER AUTHORIZATION TO ENACT A LOCAL ONE-HALF CENT (0.5%) TRANSACTIONS AND USE (“SALES”) TAX TO MAINTAIN FISCAL STABILITY AND ESSENTIAL SERVICES, ESTABLISHING POLICIES AND PROCEDURES IN CONNECTION WITH SUCH AN ELECTION, AND REQUESTING THAT THE COUNTY REGISTRAR PERFORM CERTAIN ELECTION SERVICES IN CONNECTION WITH SUCH ELECTION INCLUDING CONDUCTING THE NOVEMBER 3, 2015 ELECTION FOR THE CITY OF SOUTH SAN FRANCISCO WHOLLY BY MAIL PURSUANT TO THE PILOT PROGRAM AUTHORIZED BY ASSEMBLY BILL 2028 IF ALL OTHER AFFECTED JURISDICTIONS ALSO REQUEST PARTICIPATION IN THE PILOT PROGRAM AT THAT ELECTION, AND AUTHORIZING THE CITY MANAGER TO REIMBURSE THE COUNTY FOR ELECTION SERVICES.

WHEREAS, the City of South San Francisco (“City”) has a proud tradition of fiscal responsibility, including balanced budgets during the recession that maintain services important to our community; and

WHEREAS, in these recovering economic times the City must maintain current levels of public safety and other essential services without worrying about future budget cuts; and

WHEREAS, residents want to maintain public safety services, including emergency response times for police, neighborhood police patrols, crime prevention and gang suppression programs; and

WHEREAS, residents also want to provide programs for seniors and disabled residents; and

WHEREAS, residents want to maintain streets and fix potholes to prevent our roads from falling into further disrepair and address at least \$18 million in street maintenance and pothole repair; and

WHEREAS, the proposed local revenue measure will be spent entirely on local services and projects that benefit our community with no money for Sacramento and all funds for South San Francisco; and

WHEREAS, while the City has been effectively addressing gang activities in South San Francisco, we must continue to ensure that we have adequate local funds to address crime and keep our city safe; and

WHEREAS, further budget cuts could jeopardize important public safety programs, such as gang and crime prevention services, neighborhood police patrols and emergency response times from police; and

WHEREAS, we need a reliable source of local revenue to maintain current levels of police protection and gang prevention services now and in the future, without worrying about public safety budget cuts; and

WHEREAS, we must exercise local control over funding in order to maintain firefighter and paramedic services, neighborhood police patrols, and ensure rapid 9-1-1 emergency response among other city services; and

WHEREAS, the ordinance includes comprehensive fiscal accountability provisions, such as annual Independent Financial Audits and Citizens' Oversight of all expenditures, which will enhance fiscal accountability and transparency; and

WHEREAS, the fiscal accountability safeguards will ensure funds are used efficiently, effectively and as promised to voters; and

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, an election shall be held on November 3, 2015, for the submission to the voters of a question relating to a local one-half cent (0.50%) sales tax; and

WHEREAS, it is desirable that the election be consolidated with the statewide election to be held on the same date, and that within the City, the precincts, polling places, and election officers of the two elections be the same; and

WHEREAS, in 2014 the California Legislature and Governor approved Assembly Bill 2028 ("AB 2028"), which is a pilot program permitting certain elections in San Mateo County to be conducted wholly by mail if specific conditions are met; and

WHEREAS, pursuant to AB 2028, each jurisdiction may determine whether to participate in this pilot program and whether to authorize its election on a given date to be conducted by mail, provided, however, that election in question shall not be conducted by mail pursuant to the pilot program unless all overlapping jurisdictions with elections on that same date so request; and

WHEREAS, if the election is authorized by all affected jurisdictions to be conducted pursuant to the AB 2028 pilot program, various actions shall be taken to ensure that voter access and turnout is protected, including but not limited to the following:

- At least one ballot drop-off location shall be provided in each city;
- A ballot drop-off location shall be open during business hours to receive ballots beginning 28 days prior to the election through 8 p.m. on the night of the election;
- At least one polling place shall be provided per city between 7 a.m. and 8 p.m. on election day for voters to request a ballot who did not receive a ballot or who need a replacement ballot for any reason;
- At the request of any city, county, or district, the Chief Elections Officer may provide additional ballot drop-off locations and polling places;

- All elections materials, including a prepaid return envelope for the ballot, shall be provided to each voter;
- A list of ballot drop-off locations and polling places shall be delivered to each voter; and,
- Polling places shall be located at an accessible location and equipped with voting machines that are accessible to individuals with disabilities; and

WHEREAS, in general, the cost of conducting an election pursuant to the pilot program described above is expected to be significantly less overall than a typical election, and this cost reduction should translate to lower costs to each jurisdiction that participates in the pilot program election compared to the typical election costs borne by each jurisdiction; and

WHEREAS, the San Mateo County Chief Elections Officer has reported that in San Mateo County, 57% of registered voters are permanently registered to vote by mail, in the November 2013 Consolidated Municipal, School, and Special District Election over 76% of the ballots were cast by mail, and in the June 2014 Primary Election over 77% of the ballots were cast by mail; and

WHEREAS, the Chief Elections Officer has stated an intention to have the November 3, 2015 Consolidated Municipal, School, and Special District Election be the first mail election conducted pursuant to the AB 2028 pilot program in San Mateo County; and

WHEREAS, the South San Francisco City Council has considered the merits of the proposed pilot election program and desires to participate in the pilot program given the protections for voter access and participation in the election and anticipated cost savings to the City of South San Francisco provided that at least two (2) Polling Places operate within the City on Election Day; and

WHEREAS, it is desirable that the County Election Department of the County of San Mateo canvass the returns of the election and that the election be handled in all respects as if there were only one election; and

WHEREAS, based on all of the information presented at the July 22, 2015, 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, subdivisions (2) and (4) of subdivision (b), 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 South San Francisco that:

Section 1. The foregoing recitals and true and correct and hereby incorporated by reference.

Section 2. The City Council is authorized to present a measure relating to a local transactions and use tax to the voters for their consideration pursuant to Article XIIC of the California Constitution, Government Code section 53724, and Elections Code sections 4001 and 9222, and Revenue and Taxation Code section 7385.9.

Section 3. The City Council hereby calls an election at which it shall submit to the qualified voters of the City of South San Francisco, a measure that, if approved, would add a one-half cent (0.5%) transaction and use (“sales”) tax, as authorized by Revenue and Taxation Code section 7285.9. This measure shall be designated by letter by the San Mateo County Registrar of Voters. Pursuant to Election Code sections 4001 and 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 3, 2015.

Section 4. The City Council of the City of South San Francisco authorizes the November 3, 2015 Election for the City of South San Francisco to be conducted wholly by mailed ballots pursuant to AB 2028 pilot program, if at least two (2) polling places are operated in South San Francisco on Election Day, it being understood that the Election shall occur wholly by mail on that date only if all overlapping jurisdictions with elections on that date make the same request. If all overlapping jurisdictions with elections on that date do not so request, the City of South San Francisco election shall occur as normal on that date pursuant to the other provisions of the Elections Code.

Section 5. The City Clerk of the City of South San Francisco is hereby directed to notify the Secretary of State no later than August 7, 2015, of the City’s intent to conduct an all-mailed ballot election as outlined above.

Section 6. The City of South San Francisco shall separately send information regarding the specifics of its November 3, 2015 Election to the San Mateo County Chief Elections Officer.

Section 7. The ballot language for the proposed measure shall be as follows:

To maintain South San Francisco services, including maintaining neighborhood police patrols/911 response, programs for seniors/disabled residents, crime/gang suppression programs, repairing potholes/streets, maintaining youth/teen educational/recreational programs, providing a police operations center that meets earthquake safety codes, and other city services; shall South San Francisco levy a ½ cent sales tax for 30 years, with authority to incur debt to accelerate projects, annual audits, citizens' oversight, no funds for Sacramento and all funds for South San Francisco?	YES	
	NO	

Section 8. The full text of the proposed measure to be submitted to the voters is attached as Attachment 1 (the “Measure”) hereto. If the majority of qualified voters voting on the Measure vote in favor therefor, the Measure shall be deemed adopted and shall be effective upon its adoption. The Measure specifies that the rate of the transactions tax shall be 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; it specifies that the rate of the use tax shall be one-half of one percent (0.5%) of the sales price of tangible personal property stored, used or otherwise consumed in the City. If approved, the tax shall be in effect for 30 years. The State Board of Equalization shall collect the tax from retailers subject to the tax and remit the funds to the City.

Section 9. The City Clerk is hereby directed to cause notice of the measure to be published once in a newspaper of general publication in the City, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

Section 10. The City Clerk is directed to cause the posting, publication, and printing of notices and all other matters pursuant to the requirements of the Elections and Government Codes of the State of California.

Section 11.

- (a) The City Council hereby requests that the San Mateo County Board of Supervisors consolidate the election called by this resolution with the statewide election to be conducted on November 3, 2015 and order the election to be conducted by the Chief Elections Officer. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors and Chief Elections Officer on or before August 9, 2013.
- (b) The election on the Measure 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, the election shall be held in accordance with the Elections Code of the State of California.
- (c) The election on the Measure shall be held in the City of South San Francisco on November 3, 2015, as required by law, and the County is authorized to canvass the returns of the election with respect to the votes cast in the City of South San Francisco and certify the results to the City Council.

- (d) At the next regular meeting of the City Council occurring after the returns of the election for the Measure 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 12.

- (a) The last day for submission of primary arguments for or against the measure shall be by 5:00 p.m. on Friday, August 14, 2015.
- (b) The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on Monday, August 24, 2015.
- (c) Primary arguments shall not exceed three hundred words and shall be signed by not more than five persons.
- (d) Rebuttal arguments shall not exceed two hundred fifty words and shall be signed by not more than five persons; those persons may be different from the persons who signed the primary arguments.
- (e) The City Attorney shall prepare by Monday, August 24, 2015, an impartial analysis of the Measure showing the effect of the Measure.
- (f) Mark Addiego is hereby authorized to submit a written argument in favor of the Measure, not to exceed 300 words, on behalf of the City Council. The argument may be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote. In the event that an argument is filed against the Measure, Mark Addiego is also authorized submit a rebuttal argument on behalf of the City Council, which may be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote, who may be different from the persons who signed the primary argument.
- (g) Pursuant to California Elections Code Section 9285, when the City Clerk has selected 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 that it seeks to rebut.

Section 13. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request. The City Clerk's Operating budget is hereby amended to include an additional \$10,000 for the projected additional election costs that would be charged to the City for this ballot measure. Funds will come from the General Fund Undesignated Reserve.

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I hereby certify that the foregoing Resolution was regularly introduced and adopted by the City Council of the City of South San Francisco at a regular meeting held on the 22nd day of July, 2015 by the following vote:


AYES: Councilmembers Karyl Matsumoto, Pradeep Gupta, and Liza Normandy

Vice Mayor Mark N. Addiego and Mayor Richard A. Garbarino

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST: 
Acting City Clerk