

RESOLUTION 2020-43

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLITS SUBMITTING AN EMERGENCY FUNDING ORDINANCE LOCAL TAX MEASURE TO THE VOTERS AT THE TUESDAY, NOVEMBER 3, 2020, GENERAL MUNICIPAL ELECTION

WHEREAS, City of Willits residents have indicated that the quality of life in Willits is highly valued; and

WHEREAS, the City of Willits has approximately \$15.3 million in necessary road improvements over the next ten years and the existing one-half cent sales tax, a special tax limited to the maintenance, repair and construction of the City's road system, will only provide \$5 million of funding toward that total, leaving \$10.3 million in unfunded road improvements; and

WHEREAS, the City of Willits also lacks adequate funds to pay for the estimated \$4 million in parks and building maintenance services and an additional \$4 million in infrastructure improvement projects in the City parks and buildings over the next ten years, which are important to maintaining local property values and quality of life; and

WHEREAS, the City of Willits has a growing structural deficit in its budget due to increased costs for all types of insurance, particularly, fire insurance, workers compensation and liability insurance, as well as increased costs for outside services and pension liability and has reached its limit in being able to cut costs without serious reduction in services; and

WHEREAS, the City of Willits suffers from the effects of the COVID-19 virus and is vulnerable to disruptions in utility service, wildfires and pandemics, and needs to have a source of revenue that cannot be seized by state or federal fiat so that it can continue to provide essential services in times of crisis; and

WHEREAS, the City of Willits, by taking over Main St. from Caltrans, has increased its costs for road maintenance and traffic lights, as well as liability insurance; and

WHEREAS, the City seeks to fairly compensate, recruit and retain employees such as police officers, parks employees, maintenance workers, building officials and others who work to keep our City safe, financially stable and livable, and current salaries are the lowest in the region; and

WHEREAS, there exists a significant need to replace old and obsolete police vehicles and police equipment, as well other City Departments' sub-standard and obsolete equipment, computers, computer systems and financial systems in order to keep up with current financial and communication standards; and

WHEREAS, the City seeks to enhance recreational opportunities within the City and to enhance the beauty of Willits with trees planting, public art and landscaping and by improving park maintenance and tree maintenance; and

WHEREAS, the City also seeks funding to enhance and maintain all of Main Street, the north portion of which will convert to City control and responsibility; and

WHEREAS, Revenue & Taxation Code §7285.9 authorizes the City Council to levy a transactions and use tax for general purposes if the ordinance proposing that tax is

approved by a two-thirds vote of all members of the City Council followed by a majority of the qualified voters of the City voting in an election on the issue; and

WHEREAS, locally-enacted funding sources such as a voter-approved sales tax are not subject to seizure by the State, and must be spent in Willits to maintain its local services; and

WHEREAS, the City Council has, by a two-thirds vote of all its members, approved the City of Willits Emergency Funding Ordinance (the "Ordinance"), attached as Exhibit A to this resolution and incorporated by reference. All references to the "Board of Equalization" in the Ordinance shall include any successor organization responsible for administration of the Tax; and

WHEREAS, the Ordinance imposes a new three-quarters of one percent (0.75%) Transactions and Use Tax (the "Tax") to be collected as set forth in the Ordinance; and

WHEREAS, the Ordinance requires Independent Citizens Oversight, mandatory financial audits, and yearly reports to the community to ensure funds are spent as promised; and

WHEREAS, by approving this ordinance the voters authorize the City Council to amend this tax without subsequent voter approval so long as such amendment does not increase the rate of the tax paid by any taxpayer. This tax shall remain in effect for a period of ten (10) years following its enactment. This tax is additional to and does not supersede nor replace or amend any existing City;

WHEREAS, the Tax must be approved by the electorate to be effective; 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, 2020, for the submission to the voters of a question relating to a three-quarters of one percent (0.75%) Transactions and Use Tax (the "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

NOW THEREFORE, BE IT RESOLVED, that the City Council orders as follows:

Section 1. The City Council hereby submits the proposed ordinance set forth in Exhibit A, attached hereto and incorporated in this Resolution by this reference, to the qualified voters of the City at the Election, and orders that a proposition shall appear on the ballot in the following form:

“City of Willits Emergency Funding Ordinance - Shall the City of Willits enact a ¾ cent sales tax, providing \$1,000,000 annually for 10 years, to prevent the elimination of police services; street and sports field maintenance; closing of city facilities; and loss of other essential city services?”	YES	
	NO	

The measure requires a simple majority of the voters voting on the proposed ordinance to pass.

Section 2. That the "full text" of the proposed ordinance shall appear in the Voter Information Pamphlet. The "full text" of the proposed ordinance is attached to this resolution as "Exhibit A."

Section 3. The City Clerk shall transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk within five (5) days of the adoption of this Resolution.

Section 4. The City Council authorizes members of that body collectively or individually, or any Willits voter or bona fide association of citizens or combination of voters and associations to submit a written argument for or against the Measure. Such argument, whether in favor or against, shall not exceed 300 words and be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principle officers. Primary arguments in favor of and against the measure must be submitted to the City Clerk Administrator by 5:00 p.m. on August 13, 2020. In the event that more than one written argument is filed in favor of or against the Measure, the City Clerk shall select one of the multiple arguments in accordance with the provision of Elections Code Section 9287.

Section 5. Pursuant to 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. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk by August 24, 2020 at 5:00 p.m. 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. This Section shall apply only to the election to be held on November 3, 2020, and shall then be repealed.

Section 6. Pursuant to Elections Code Section 10002, the City Council hereby requests the Board of Supervisors of the County of Mendocino to make available the services of the Registrar of Voters for the purpose of performing the usual services necessary in the conduct of the consolidated general municipal election, including the provisions of election supplies and voters' pamphlets; and that upon approval of such requests, the Registrar of Voters of the County of Mendocino shall be reimbursed for all costs incurred by said services.

Section 7. Pursuant to Elections Code commencing with Section 10400, the City Council hereby requests the Board of Supervisors of the County of Mendocino to order the consolidation of the general municipal election to be conducted within the boundaries of the City of Willits on November 3, 2020, with respect to which the Board of Supervisors of the County of Mendocino has the power to order a consolidation. The City Council further consents to and orders the consolidation of the general municipal election hereby called with the statewide general election and acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418.

Section 8. The City Clerk is hereby authorized and directed to publish a notice of the general municipal election within the time and in the manner specified in the Elections Code Section 12112. The City Clerk is further authorized and directed to do all other

things required by law to hold the general municipal election above provided.

Section 9. The City Clerk is hereby authorized and directed to certify to the adoption of this resolution and to transmit a certified copy to the Board of Supervisors of the County of Mendocino and to the Registrar of Voters of the County of Mendocino.

Section 10. That the City Manager is authorized to negotiate and execute an agreement with the Board of Equalization in accordance with Revenue and Taxation Code Section 7270 to perform all functions incident to the administration and operation of the ordinance if adopted.

The above and foregoing Resolution was introduced by Councilmember Strong seconded by Councilmember Rodriguez, and passed and adopted at a special meeting of the City Council of the City of Willits, held on the 29th day of July, 2020, by the following vote:

AYES: Kanne, Rodriguez, Strong, Stranske, and Gonzalez.
NOES: None.
ABSENT: None.

GERARDO GONZALEZ, Mayor
City Council of the City of Willits

ATTEST:

CATHY MOORHEAD
Deputy City Manager/City Clerk