

RESOLUTION NO. 12-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF RIDGECREST A MEASURE RELATING TO THE ESTABLISHMENT OF A TEMPORARY TRANSACTIONS AND USE TAX (SALES TAX) AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2012, AS CALLED BY RESOLUTION NOS. 11-94 AND 11-95.

WHEREAS, on January 11, 2012, the Ridgecrest City Council declared a Fiscal Emergency for the City of Ridgecrest; and

WHEREAS, the recession and Sacramento money grabs have forced the City to cut roughly \$3 million, impacting essential city services like police protection, city streets and pothole repair, and 9-1-1 emergency response; and

WHEREAS, Sacramento continues to take local funds from local cities to fix their budget mess and these continual money grabs are making it increasingly difficult to maintain essential city services, including police officers and neighborhood police patrols, city streets and pothole repair, 9-1-1 emergency response times, and crime prevention and investigation; and

WHEREAS, additional cuts to police service will mean fewer police officers patrolling city streets and fewer neighborhood police patrols, affecting the City's ability to maintain 9-1-1 response times and keep our community safe; and

WHEREAS, without additional revenues, the City of Ridgecrest will not be able to maintain essential city services at the levels necessary for our community; and

WHEREAS, a local funding measure would protect and maintain our essential city services by creating a local source of revenue that cannot be taken by Sacramento; and

WHEREAS, on October 6, 1997, Assembly Bill 1472 became law adding Chapter 2.93 commencing with Section 7286.52 to Part 1.7 of Division 2 of the Revenue and Taxation Code; and

WHEREAS, California Constitution Article XIII C Section 2(b) added by Proposition 218 effective November 1996, requires that a measure proposing a general tax be submitted to the voters at an election consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, on December 7, 2011 the City Council, passed Resolution Nos. 11-94 and 11-95, calling a General Municipal Election to be held on June 5, 2012, and requested the County Board of Supervisors to approve consolidation of the election with the Statewide General Election to be held on the same day; and

WHEREAS, pursuant to California Constitution Article XIII C Section 2(b) and Elections Code Section 10201, the City also desires to submit to the electors at the General Election a measure to enact an ordinance establishing a transactions and use tax;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER as follows:

Section 1. That the City Council, pursuant to its right and authority, does order submitted to the electors at the General Municipal Election the following question:

"Ridgecrest Public Safety/Essential City Services Measure. To help prevent additional cuts and maintain City of Ridgecrest services, including: city streets and pothole repair; police officers and neighborhood police patrols; 9-1-1 emergency response times; and crime prevention and investigation; and other city services, shall the City of Ridgecrest enact a $\frac{3}{4}$ cent sales tax, for five (5) years, requiring a citizen's oversight committee, annual independent audits, with all funds for City of Ridgecrest services only, no funds for Sacramento?"

_____ Yes _____ No

Section 2. The City Clerk is hereby directed to forward a copy of Resolution Nos. 11-94, 11-95 and this Resolution to the County Clerk for inclusion in the ballot for the June 5, 2012, General Municipal Election.

Section 3. The proposed Ridgecrest Vital City Services Measure will pass only if a majority of the votes cast by electors voting on the measure are "yes" votes and will, if passed, take precedence over any other conflicting measure receiving less votes in this election.

Section 4. The City Council hereby directs the City Attorney to prepare an impartial written analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

Section 5. The City Council hereby authorizes its members to file written arguments for or against the measure described above to this resolution. All written arguments filed by any person in favor or against the measure shall be accompanied by the names and signatures of the persons submitting the arguments as required by applicable law and any names, signatures and arguments may be filed until the time and date fixed by the City Clerk, after which no change may be submitted to the City Clerk unless permitted by law.

Section 6. The proposed Ordinance adding Chapter III, Article 2 to the Ridgecrest Municipal Code establishing a Temporary Transactions and Use Tax, attached

hereto as Exhibit "A", the text of the measure, together with the City Attorney's impartial analysis, and any arguments for or against the measure, to be mailed to all qualified electors with the ballot. In addition to other notices and publications required by law, the City Clerk, not less than forty (40) days and not more than sixty (60) days before the General Municipal Election, shall cause the text of the measure to be published once in the official newspaper. The City Clerk is authorized to give such notices and to fix such times and dates as are required by law or which are appropriate to properly conduct the election.

Section 7. The provisions of Resolution Nos. 11-94 and 11-95 refer to more particulars concerning the General Municipal Election to be held on June 5, 2012, and in all respects the election shall be held and conducted as provided for by applicable law. The City Clerk is authorized and directed to procure and furnish any official ballots, notices, printed materials, and all supplies or equipment that may be necessary in order to properly and lawfully conduct the election.

PASSED, APPROVED AND ADOPTED on February 15, 2012, by the following roll call vote:

AYES:	Mayor Carter, Council Members Holloway, Taylor, Morgan, and Patin
NAYS:	None
ABSTAIN:	None
ABSENT:	None



Ronald H. Carter, Mayor

ATTEST:



Rachel J. Ford, CMC, City Clerk

APPROVED AS TO FORM:

By: _____
W. Keith Lemieux, City Attorney