

**RESOLUTION NO. 2015-42**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STANTON, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2016 FOR THE SUBMISSION OF A PROPOSED ORDINANCE/MEASURE REPEALING THE CITY'S VOTER-ENACTED TRANSACTIONS AND USE TAX IN ITS ENTIRETY, REQUESTING THAT THE ORANGE COUNTY BOARD OF SUPERVISORS CONSOLIDATE THIS ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, AND SETTING RULES FOR DIRECT ARGUMENTS AND REBUTTALS CONCERNING THE PROPOSED ORDINANCE/MEASURE**

**WHEREAS**, pursuant to authority provided by law, petitions have been filed with the City Council of the City of Stanton, signed by at least five percent (5%) of the number of registered voters of the City who voted for any gubernatorial candidate at the last election (November 2014) to submit to the qualified electors a proposed ordinance amending the Stanton Municipal Code by repealing the Transactions and Use Tax in its entirety (the "Measure"); and

**WHEREAS**, the City Clerk's office with assistance from the Orange County Registrar-Recorder/County Clerk examined the records of registration and ascertained that pursuant to California Proposition 218 (Calif. Const. Art. XIII, Section 3) the petitions are signed by the requisite number of voters, and has so certified; and

**WHEREAS**, for the reasons articulated immediately below, the City Council has not voted in favor of adoption of the Measure but is required by California statute to place it before Stanton's voters; and

**WHEREAS**, the voter-enacted transactions and use tax provides the City with over \$3 million annually for public safety and other community services for all residents and businesses, which have no other funding source; and

**WHEREAS**, the City budget specifies that without these funds the City would no longer be able to maintain local services including fire protection, neighborhood sheriff patrols, 9-1-1 response times, gang and youth violence prevention, senior programs and programs to stimulate local economic growth; and

**WHEREAS**, if the transactions and use tax is repealed, the City would need to eliminate the new increases to public safety services and economic development/job creation programs, including two Sheriff's deputies, one Code Enforcement officer, Business Relation funding, and funding for school crossing guards; and

**WHEREAS**, even with the above public safety and economic development cuts, without funding from the transactions and use tax, the City would still need to make an additional \$2.5 million in cuts to balance the budget, resulting in substantial reductions to nearly every City service; and

**WHEREAS**, because public safety services represents over 71% of the City's budget, public safety services would bear over 71% of the additional cuts, which equates to \$1.22 million in cuts to the Orange County Sheriff's Department, \$560,000 in cuts to the Orange County Fire Authority and over \$710,000 in cuts to other essential City services; and

**WHEREAS**, as both County Fire and Sheriffs believe their front-line public safety employees are at the minimum level of staffing to adequately perform their jobs, the cuts will have a significant negative impact on safety services and will result in fewer police patrols, increased 9-1-1 response times, and a lowered level of fire protection services and firefighters/paramedics; and

**WHEREAS**, the loss of this funding would severely reduce economic development funds, eliminating the Stanton Business Alliance and removing resources that help attract new businesses and create jobs; and

**WHEREAS**, the City Council is authorized and directed by the California Elections Code to submit the Measure to the voters.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANTON, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

**SECTION 2.** Pursuant to the California Elections Code and any other applicable requirements of the laws of the State of California relating to general law cities, the City Council hereby calls and orders to be held in the City of Stanton on Tuesday, November 8, 2016, a General Municipal Election for the purpose of submitting the Measure attached hereto as Exhibit "A" and incorporated herein by this reference to the qualified electors.

**SECTION 3.** The City Council, pursuant to the California Elections Code, hereby orders that the following question be submitted to the qualified electors of the City of Stanton at the election to be held on November 8, 2016:

<b>Eliminate Funding for Stanton 9-1-1 Public Safety and Essential Services Protection Measure.</b> Shall City of Stanton Ordinance #1045, adopted by voters on November 4, 2014, to generate revenues for city services such as neighborhood police patrols, fire protection services/paramedics, business/job creation, and senior programs, be repealed?	<b>YES</b>
	<b>NO</b>

**SECTION 4.** Approval of the Measure shall require a majority vote of the total number of valid ballots cast and counted.

**SECTION 5.** Notice of the time and place of the election is hereby given. The City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 6.** The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. The ballots to be used at the election shall be in form and content as required by law.

**SECTION 7.** The City Treasurer is hereby authorized and directed to appropriate the necessary funds to pay for the City's cost of placing the Measure on the election ballot.

**SECTION 8.** The polls shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed.

**SECTION 9.** The City Council requests that the Board of Supervisors of Orange County consolidate the election on the Measure with the established Statewide General Election to be held the same day and the Registrar of Voters of Orange County conduct the election in the manner provided by law. Pursuant to California Elections Code Section 10400 et seq., the City Clerk is directed to file a certified copy of this Resolution with the Board of Supervisors of Orange County and the Registrar of Voters of Orange County on or before December 1, 2015.

**SECTION 10.** The City Clerk is hereby directed to transmit a copy of the Measure set forth in Section 2 above to the City Attorney, who shall prepare an impartial analysis of the Measure in accordance with Section 9280 of the Elections Code not to exceed 500 words in length. The impartial analysis shall show the effect of the Measure on existing law and the operation of the Measure. It shall also include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, or in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the election official’s office at (714) 890-4245 and a copy will be mailed at no cost to you.”** The impartial analysis shall be filed no later than the deadline for direct arguments.

**SECTION 11.** Pursuant to California Elections Code Sections 9282 and 9286, the persons who filed the petition may file a written argument in favor of the Measure and the City Council, or any member(s) of the City Council so designated by the City Council, may file a written argument against the Measure. Such persons may change the argument until and including the date fixed below by the City Clerk, after which no arguments for or against the City Measure or any changes thereto may be submitted to the City Clerk.

The deadline to submit arguments for or against the City Measure pursuant to this Resolution is declared by the City Clerk to be 5:30 p.m. on **August 12, 2016**.

The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(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 principal officers who is the author of the argument.

**SECTION 12.** Pursuant to California Elections Code Section 9285, when the elections official has selected the arguments for and against the Measure which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the Measure to the authors of any argument against the Measure and a copy of an argument against the Measure to the authors of any argument in favor of the Measure immediately upon receiving the arguments. No rebuttal arguments are authorized in this Election

**SECTION 13.** In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 14.** The City Council finds that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**SECTION 15.** Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution, and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

**SECTION 16.** This Resolution shall become effective upon its adoption.

**SECTION 17.** The City Clerk shall certify to the adoption of this Resolution.

**ADOPTED, SIGNED AND APPROVED** this 10th day of November, 2015

  
\_\_\_\_\_  
A. A. ETHANS, MAYOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
MATTHEW E. RICHARDSON, CITY ATTORNEY

ATTEST:

I, Patricia A. Vazquez, City Clerk of the City of Stanton, California DO HEREBY CERTIFY that the foregoing Resolution, being Resolution No. 2015-42 has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the Stanton City Council, held on November 10, 2015, and that the same was adopted, signed and approved by the following vote to wit:

AYES: Donahue, Ethans, Ramirez, Warren

NOES: Shawver

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
PATRICIA A. VAZQUEZ, CITY CLERK

Exhibit "A"

ORDINANCE NO. 1045

MEASURE "A"

AN ORDINANCE OF THE PEOPLE OF THE CITY OF STANTON REPEALING THE CITY'S TRANSACTIONS AND USE TAX IN ITS ENTIRETY.

THE PEOPLE OF THE CITY OF STANTON, CALIFORNIA DO HEREBY ORDAIN AS FOLLOWS:

**SECTION 1. Repeal of City's Transactions and Use Tax in its Entirety.** Chapter 3.05 of Title 3 of the Stanton Municipal Code, authorizing the City's Transactions and Use Tax, is hereby repealed in its entirety.

**SECTION 2. Effective Date.** Pursuant to California Constitution Article XIIC §3 and California Elections Code §9217, if a majority of the qualified voters voting in the election on Measure "A" vote in favor of the adoption of such measure, this ordinance shall be deemed valid and binding and shall be considered as adopted upon the date that the vote is declared by the City Council, and shall go into effect ten (10) days after that date.

**SECTION 3. Severability.** The provisions of this ordinance are severable. If any provision of this measure or application thereof is held invalid, that invalidity shall not affect other provisions or applications if they can be given effect without the invalid provision or application.

**SECTION 4. Certification/Summary.** Following the City Clerk's certification that the citizens of Stanton have approved this Ordinance, the Mayor shall sign this Ordinance and the City Clerk shall cause the same to be entered in the book of original ordinances of said City; and shall cause the same, or a summary thereof, to be published as required by law.

Adopted by the People of the City of Stanton on the 8<sup>th</sup> day of November, 2016.

---

Mayor of the City of Stanton

ATTEST:

---

City Clerk

APPROVED AS TO FORM:

---

Matthew E. Richardson  
City Attorney