



## Legislation Text

---

**File #:** 14-281, **Version:** 1

---

RESOLUTION Establishing November 4, 2014 as the Date for an Election on a Proposed Ballot Measure Seeking Voter Approval Relating to the Enactment of a One-Half of One-Percent (0.5%) Transactions and Use (Sales) Tax for Thirty Years, Establishing the Policies and Procedures for Such an Election and Requesting that the County of Alameda Conduct Such an Election (adds to the November 2014 ballot the subject measure at a cost of approximately \$16,500)

WHEREAS, at an election held on November 2, 2010, a majority of the voters of the City of San Leandro approved a local funding measure that provided revenue that could not be taken by the State commonly known as "Measure Z"; and

WHEREAS, Measure Z has been critical in maintaining essential City services, such as 911 emergency response, police patrols, and fire protection, among other programs; and

WHEREAS, Measure Z is set to expire on the seventh anniversary of the operable date thereof, unless extended by a majority of the voters of the City; and

WHEREAS, the City of San Leandro has carefully evaluated how to deal with this potential loss of funds, while continuing to provide the quality of life services that community residents rely upon; and

WHEREAS, the City of San Leandro has taken substantial steps to reduce costs and protect services, including reducing by approximately 20% the overall size of the City workforce since 2008, instituting local and statewide pension reform, including new, reduced-benefit pension tiers and increasing the required contributions of all City employees; and.

WHEREAS, the City has deferred maintenance in its public facilities including neighborhood streets, roads, and infrastructure due to lack of funding so that other services could be maintained; and

WHEREAS, independent experts rate San Leandro's streets as the second worst in the County and its Pavement Condition Index has dropped roads from "fair" to "at-risk," and if repairs are not made to City roads, they will become more intrusive to residents and substantially more expensive to repair; and

WHEREAS, the Measure Z Independent Citizens Oversight Committee has issued clean audits concerning the City's usage of existing Measure Z revenues; and

WHEREAS, an Independent Professional Public Opinion Survey was undertaken in January 2014, interviewing a random sample of approximately 700 San Leandro respondents, including interviews conducted in Spanish and Cantonese; and

WHEREAS, on February 1, 2014, the results of the Community Outreach Survey were presented to the City Council; and

WHEREAS, without Measure Z, the City of San Leandro will not be able to maintain all existing programs, will not be able to adequately maintain infrastructure or facilities, and will not be able to maintain the service levels currently in place; and

WHEREAS without additional revenue the City cannot provide the level of services that over 1,000 residents have identified as priorities, including programs such as library programs for children, adults and families, after-school and summer programs for youth and teens; and

WHEREAS, without the ongoing funding Measure Z provides, the City will have to consider cuts to neighborhood patrol officers, fire prevention services, 911 emergency response services, and school officers and crossing guards; and

WHEREAS, funds from the continuation of Measure Z will enhance anti-gang and law enforcement efforts; and

WHEREAS, even with the existing Measure Z revenues, the City of San Leandro does not have adequate financial resources to address a growing backlog of unfunded public safety, infrastructure, and other program and service needs; and

WHEREAS, the tax to be submitted to the voters, if approved, would be imposed on the sale of tangible personal property, and the storage, use, or other consumption of such property. The tax rate would be one-half of one percent (i.e. 0.5%, or one half-cent for each dollar) of the sales price of the tangible personal property. The tax revenue would be collected by the State Board of Equalization and remitted to the City. The tax would be in effect for thirty (30) years and would then expire automatically unless extended by the voters; and

WHEREAS, a continuation of Measure Z will ensure that all money raised will be controlled locally for local services, and cannot be taken away by Sacramento; and

WHEREAS, a continuation of Measure Z would continue to include annual audits and oversight by the City's Independent Citizens' Oversight Committee of community members to ensure Measure Z funds are spent and accounted for properly; and

WHEREAS, the San Leandro City Council is authorized by California Elections Code Section 9222 to place measures before the voters; and

WHEREAS, Elections Code Sections 9281 through 9287 set forth the procedures for arguments in favor of and in opposition to any City measure and for rebuttal arguments; 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 that the Registrar of Voters of the County of Alameda canvass the returns of the General Election and that the election be held in all respects as if there were only one election; and

WHEREAS, based on all of the information presented at the July 7, 2014 regular meeting of the City Council, 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, the City Council of the City of San Leandro does RESOLVE as follows:

1. **Recitals.** The foregoing recitals are true and correct and are hereby incorporated by reference.

2 **Call Election; Placement of Measure on the Ballot.** Pursuant to California Constitution Article XIII C, Section 2; Government Code Section 53724; and Elections Code Section 9222, the City Council of the City of San Leandro hereby calls an election at which it shall submit to the qualified voters of the City a measure that, if approved, would adopt a temporary general transactions and use tax, as authorized by Revenue and Taxation Code section 7285.9. This measure shall be designated by letter by the Alameda County Registrar of Voters. Pursuant to Elections Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 4, 2014. Further, the City Council urges the Alameda County Registrar of Voters to assign the title of "Z" to the measure.

3. **Ballot Language.** The question to be presented to the voters shall be as follows:

To protect/ maintain local services, including: 911 emergency response; neighborhood police patrols/ anti-gang enforcement; library programs for children, adults/ families; after school programs for children/ teens including, homework assistance/ reading programs; school police officers/ crossing guards; repairing potholes/ maintaining residential streets; and other City services, shall the City of San Leandro extend Measure Z and set the sales tax at ½ cent for 30 years, with citizens oversight, annual audits, all funds for San Leandro, no funds for Sacramento?

YES NO

4. **Proposed Ordinance.** The ordinance authorizing the general 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 approved, by a 2/3 vote of all members of the City Council, the ordinance, the form thereof, and its submission to the voters of the City at the November 4, 2014 election as required by Revenue and Taxation Code section 7285.9, subject to the approval of a majority of the voters voting on the measure at the election called by the adoption of this resolution. The entire text of the ordinance attached hereto, shall be made available to the public upon request. The ordinance specifies that the rate of the transactions and use 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 and that the tax shall be in effect for thirty (30) years. The State Board of Equalization shall collect the tax from retailers subject to the tax and remit the funds to the City.

5. **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 San Leandro in accordance with Section

12111 of the Elections Code and Section 6061 of the Government Code.

**6. Request to Consolidate and Conduct Election and Canvass Returns.**

(a) Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Alameda is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide Election on Tuesday, November 4, 2014 for the purpose of placing the measure set forth in Sections 2 and 4 on the ballot.

(b) The County of Alameda Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election and only one form of ballot shall be used.

(c) The Board of Supervisors is requested to issue instructions to the County of Alameda Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

(d) The City of San Leandro requests that the County of Alameda Registrar of Voters assign "Z" as the measure letter for consideration by the voters.

(e) The City of San Leandro recognizes that additional costs will be incurred by the County of Alameda by reason of this consolidation and agrees to reimburse the County for any costs.

**7. Submission of Ballot Argument and Impartial Analysis**

(a) The City Clerk shall set the dates for filing of the arguments for and against the ballot measure.

(b) The City Clerk shall set the dates for filing the rebuttal arguments for and against the measure.

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

(d) Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the direct arguments.

(e) The City Attorney shall prepare an impartial analysis of the measure.

(f) 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 which it seeks to rebut.

**8. 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 Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

**9 CEQA** The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code 21000 *et. seq.* "CEQA" and 14 Cal. Code Reg. Section 15000 *et. seq.* "CEQA Guidelines"). The transactions and use tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the City would undertake the required CEQA review for that particular project. Therefore under CEQA Guidelines

section 15060, review under CEQA is not required.