

RESOLUTION NO. 24-84

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE REGULARLY SCHEDULED GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, TO PRESENT TO VOTERS A MEASURE TO INCREASE THE SALES AND USE TAX IN THE CITY OF CLOVIS BY ONE PERCENT (1.0%) AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; REQUESTING CONSOLIDATION THEREOF WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE; REQUESTING THAT THE FRESNO COUNTY BOARD OF SUPERVISORS AUTHORIZE THE FRESNO COUNTY CLERK/REGISTRAR OF VOTERS TO RENDER SPECIFIED SERVICES TO THE CITY OF CLOVIS RELATING TO THE CONDUCT OF THE SPECIAL MUNICIPAL ELECTION; AND APPROVING THE PROPOSED BALLOT MEASURE DESCRIPTION

WHEREAS, Clovis is the safest city in the Valley and a great place to live, work and raise a family, but our community is facing new and growing challenges from crime and homelessness coming from neighboring communities, increasing potholes on local streets and roads, and increasing costs of providing basic services; and

WHEREAS, Clovis has approximately the same number of firefighters and police officers as the City had over 15 years ago, while our population has increased nearly 40%; and

WHEREAS, this has increased 911 response times for police and fire, making us all less safe; and

WHEREAS, Clovis needs to improve 911 response times and save lives; and

WHEREAS, approximately two-thirds of all calls to the Clovis Fire Department are related to medical emergencies; and

WHEREAS, the standard for medical response times is six and a half minutes, but in some areas of Clovis, our response times are as long as eleven minutes; and

WHEREAS, Clovis needs to ensure that our City has the needed firefighters and paramedics, while increasing the number of certified EMT firefighters and lifesaving equipment to respond to emergencies and save lives; and

WHEREAS, during the 2024-2025 budget preparation process the City engaged in significant public outreach to assess the priorities of residents through community presentations, community events, survey work, polling, and public meetings; and

WHEREAS, the input received from the community indicated a strong desire to increase revenues for the City to be able to maintain services with a focus on public safety and exceptional services in order to maintain our Clovis way of life; and

WHEREAS, the City Council met at its regularly scheduled meeting of June 10, 2024, and directed staff to return with revenue options due to the 2024-2025 budget not meeting all of the needs to maintain Clovis to the community's expectations; and

WHEREAS, applicable provisions of the California Revenue and Taxation Code authorize the City to increase a sales and use tax for general purposes by ordinance following approval by a majority vote of the qualified electors of the City voting in an election on the issue; and

WHEREAS, in accordance with applicable provisions of the California Constitution and California Elections Code the City Council desires to submit to the voters of the City of Clovis a ballot measure proposal to increase the existing rate of the Sales and Use Tax in the City of Clovis by one percent (1.0%) for a total rate of 8.975% (hereinafter the "Measure"); and

WHEREAS, if the Measure is approved by the voters, the increased Sales and Use Tax is a general tax, the revenue of which will be placed in the City's general fund and be used to pay for any general City services; and

WHEREAS, if the Measure is approved by the voters, the California Department of Tax and Fee Administration shall collect the tax from retailers subject to the tax and remit the funds to the City; and

WHEREAS, Section 10401 of the Elections Code authorizes the Fresno County Board of Supervisors to consolidate the special municipal election with the statewide general election scheduled for November 5, 2024; and

WHEREAS, the Sales and Use Tax increase required by the Measure cannot be imposed without voter approval; and

WHEREAS, voter approval of the Measure increasing the City's Sales and Use Tax rate will require an ordinance amending the Clovis Municipal Code defining the rate and more completely describing the Measure and details of the tax, which ordinance shall be prepared by the City Attorney so as to be enacted if the Measure is approved by the voters (hereinafter "Ordinance").

NOW, THEREFORE, BE IT RESOLVED by the City of Clovis as follows:

SECTION 1. Pursuant to Article XIII C, Section 2(b) of the California Constitution, Section 53724 of the Government Code, and applicable provisions of the Elections Code, the City Council of the City of Clovis hereby calls and orders an election at which the Measure relating to the increase of the City's Sales and Use Tax shall be submitted to the qualified voters of the City.

SECTION 2. The City Council requests the Fresno County Board of Supervisors to consolidate the special municipal election for this Measure with the statewide general election on November 5, 2024, pursuant to section 10403 of the Elections Code, and acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code section 10418.

SECTION 3. The City requests that the Fresno County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City agrees to pay the proportionate share of reasonable expenses of said election, said share to consist of all direct costs as determined by the Fresno County Clerk/ Registrar of Voters to be directly related to the conduct of the City of Clovis' special municipal election together with the City's proportionate share of the expenses for election services rendered by Fresno County that are being shared equally with other jurisdictions, if any, by virtue of the consolidation of the City's special municipal election with the elections being held by other jurisdictions, if any, in the City of Clovis on November 5, 2024.

SECTION 4. At the statewide general election to be held on November 5, 2024, the following question shall be submitted to registered voters of the City of Clovis and shall be printed on the election ballot in the form set forth as follows:

CITY OF CLOVIS PUBLIC SAFETY/CITY SERVICES MEASURE: Shall the measure maintaining 9-1-1 emergency medical/police/fire/paramedic response, fire protection, police patrols; keeping public areas safe/clean; retaining local small businesses/jobs; protecting local drinking water sources; accelerating repairs to streets/roads; addressing homelessness; maintaining youth, parks programs; and other general services, by establishing a 1¢ sales tax providing approximately \$28,000,000 annually until ended by voters; requiring public spending disclosure, all funds spent locally, be adopted?

YES

NO

SECTION 5. The measure shall be designated on the ballot by a letter, as provided in Elections Code Section 13116. This measure shall be designated by letter by the Fresno County Clerk/Registrar of Voters.

SECTION 6. Passage of the Measure requires a simple majority of votes from qualified voters of the City voting in the election.

SECTION 7. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. Pursuant to Elections Code section 12111, the City Council hereby directs the City Clerk, with the assistance of the City Attorney, to prepare a synopsis of the Measure and transmit the synopsis to the Fresno County Clerk/Registrar of Voters to be published in accordance with section 12111.

SECTION 9. The full text of the Measure submitted to the voters will appear in the sample ballot and voter's pamphlet. The Ordinance to be enacted to implement the Measure, if the Measure is approved by the voters, will not be printed in the sample ballot and voter's pamphlet. However, the full text of the Measure and the full text of the Ordinance will be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Office of the City Clerk.

SECTION 10. Arguments in favor of or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar of Voters in accordance with applicable provisions of the Elections Code, including sections 9280 through 9287 thereof.

SECTION 11. Pursuant to Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney, and the City Attorney shall prepare an impartial analysis of the Measure in accordance with Elections Code section 9280 and file it with the Fresno County Clerk/Registrar of Voters.

SECTION 12. The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters as required by applicable law. The City Clerk is hereby authorized and directed to work with the Fresno County Clerk/Registrar of Voters and take all steps necessary to cause placement of the Measure and any associated arguments, analysis, synopsis, summary, or ballot question on the ballot.

SECTION 13. The City Clerk and City Attorney are authorized to make any typographical, clerical, non-substantive corrections to this resolution and the Measure to be placed on the ballot as may be deemed necessary by the Fresno County Clerk/Registrar of Voters.

SECTION 14. California Environmental Quality Act (CEQA). The adoption of this Resolution is exempt from the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 et seq. ("CEQA Guidelines"). The calling and noticing of a Special Municipal Election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines Section 15378. The ballot measure submitted to the voters is for a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the potential tax increase is not a project within the meaning of CEQA because, if approved, the tax increase simply 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.

SECTION 15. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Clovis hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

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The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on August 5, 2024, by the following vote, to wit.

AYES: Councilmembers Basgall, Bessinger, Mouanoutoua, Pearce, Mayor Ashbeck

NOES: None

ABSENT: None

ABSTAIN: None

DATED: August 5, 2024

Mayor

City Clerk

