

RESOLUTION NO. 28836

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ORDERING SUBMISSION OF A BALLOT MEASURE TO APPROVE AN ORDINANCE OF THE CITY OF SANTA ROSA AMENDING SECTION 3-26.120 OF THE SANTA ROSA CITY CODE (ADDED AS PART OF MEASURE O ADOPTED BY CITY VOTERS AT THE NOVEMBER 2004 ELECTION) TO CHANGE THE LEVEL OF FUNDING REQUIRED TO BE DEDICATED FOR CERTAIN PUBLIC SAFETY PURPOSES, APPROVING BALLOT LANGUAGE, PERMITTING THE FILING OF REBUTTAL ARGUMENTS, DIRECTING THE CITY ATTORNEY TO PROVIDE AN IMPARTIAL ANALYSIS, AND PROVIDING DIRECTION REGARDING BALLOT ARGUMENTS IN SUPPORT OF MEASURE

WHEREAS, at the November 2004 election, Santa Rosa voters adopted Measure O, that established a ¼ cent sales tax to fund designated public safety purposes and set a budget baseline for funding public safety purposes; and

WHEREAS, it is appropriate to modify the budget baseline without increasing or extending that sales tax; and

WHEREAS, Measure O may be amended only if that amendment is approved by majority of Santa Rosa voters casting votes on the measure; and

WHEREAS, Election Code Section 9222 authorizes the City Council to submit to the voters a proposed ballot measure.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Santa Rosa resolves as follows:

1. A Special Municipal Election of the City of Santa Rosa is ordered and shall be held in the City of Santa Rosa, California, on Tuesday, the 8th day of November, 2016, for the purpose of submitting to the qualified electors of the City, an ordinance entitled AN ORDINANCE OF THE CITY OF SANTA ROSA AMENDING SECTION 3-26.120 OF THE SANTA ROSA CITY CODE (ADDED AS PART OF MEASURE O ADOPTED BY CITY VOTERS AT THE NOVEMBER 2004 ELECTION) TO CHANGE THE LEVEL OF FUNDING REQUIRED TO BE DEDICATED FOR CERTAIN PUBLIC SAFETY PURPOSES, as set forth in Exhibit A.

2. The proposed Ordinance shall be submitted to the electors in the form of a measure printed on the ballot as follows:

<p>City of Santa Rosa Public Safety Spending Levels. Shall the City of Santa Rosa amend the minimum funding requirements for public safety services, including police, fire, and gang-prevention, to reflect City FY 2015-16 General Fund budget levels?</p>	<p>Yes</p> <p>_____</p>	<p>No</p> <p>_____</p>
---	-------------------------	------------------------

3. Pursuant to California Elections Code section 10403, the Board of Supervisors of the County of Sonoma is hereby requested to consent and agree to the consolidation of the Special Municipal Election with the Sonoma County General Election on Tuesday, November 8, 2016, for the purpose of submitting the Ordinance to voters for approval, and for election services to be provided by the County Elections Department in conducting the special municipal election. The vote requirement for the Ordinance’s passage is a majority of votes cast.

4. The City Council recognizes that the consolidated election will be conducted in the manner prescribed by Elections Code section 10418. The County Elections Department is authorized to canvass the returns of the special 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.

5. The Board is Supervisors is requested to issue any necessary instructions to the County Elections Department to take any and all steps necessary for the holding of the consolidated election, and the City Clerk is authorized and directed to work with the County Elections Department as necessary and appropriate.

6. The City of Santa Rosa recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

7. The City Attorney’s impartial analysis and written arguments for and against the proposed measure shall be prepared in accordance with the Charter and Election Code of the City of Santa Rosa.

8. Sections 9280 et seq. of the California Elections Code, providing for the filing of ballot arguments and rebuttal arguments, are hereby adopted and shall apply to the special election ordered herein. The City Clerk shall fix the dates for submittal of arguments and rebuttal arguments.

9. The City Clerk shall certify to the passage of this ordinance and cause this resolution to be published in the manner prescribed by law, and shall file a certified copy of this resolution with the Board of Supervisors and the County Elections Department.

10. Arguments for and against the proposition may be submitted to the qualified voters of the City in accordance with sections 9282 through 9287 of the California Elections Code. The deadline date for submitting ballot arguments for or against the proposition shall be set by the City Clerk. Proposed arguments shall not exceed 300 words and shall be submitted to the Office of the City Clerk. The deadline for submitting rebuttal arguments shall be set by the

City Clerk. Proposed rebuttal arguments shall not exceed 250 words and shall be submitted to the office of the City Clerk. The provisions of Section 9285(a) of the California Elections Code shall apply to the submittal of rebuttal arguments.

11. The Council does not authorize the Council as a body or any individual member of the Council to file a written argument or any rebuttal argument for or against the measure. The Council authorizes any Santa Rosa voter or association of Santa Rosa residents, to file written arguments in favor or against the proposition, and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the proposition may be submitted to the City Clerk. Any argument filed for or against said proposition not exceeding 300 words shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if filed 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.

IN COUNCIL DULY PASSED this 9th day of August, 2016.

AYES: (7) Mayor Sawyer, Vice Mayor Schwedhelm, Council Members Carlstrom, Combs, Olivares, Wysocky

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

Exhibit A - Ordinance

EXHIBIT A

ORDINANCE NO.

ORDINANCE OF THE CITY OF SANTA ROSA AMENDING SECTION 3-26.120 OF THE SANTA ROSA CITY CODE (ADDED AS PART OF MEASURE O ADOPTED BY CITY VOTERS AT THE NOVEMBER 2004 ELECTION) TO CHANGE THE LEVEL OF FUNDING REQUIRED TO BE DEDICATED FOR CERTAIN PUBLIC SAFETY PURPOSES

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Section 3-26.120 of the Santa Rosa City Code is hereby amended to read as follows:

“Section 3-26.120. PERMISSIBLE USES: Expenditure Plan.

(A) The revenues of the tax shall only be used to fund the following uses and purposes. Funding with tax revenues of all other uses and purposes, except as provided in paragraphs (C) through (E) of this section, is prohibited.

(1) POLICE

- (a) Police patrol services;
- (b) Police traffic control services;
- (c) Gang enforcement, school resource services, and bicycle patrol;
- (d) Downtown, Railroad Square, and Prince Greenway police services;
- (e) Police support services, including facilities and equipment and the financing thereof.

(2) FIRE

- (a) Construction and relocation (including but not limited to land acquisition, facilities design, and use of temporary facilities) of fire stations and the financing thereof;
- (b) Hiring of additional Firefighters to staff fire stations;
- (c) Establishment of additional paramedic units within the Fire Department;
- (d) Purchase of specialized equipment for Fire Department use;

(3) GANG PREVENTION AND YOUTH PROGRAMS

- (a) Enhancing and improving in-school gang prevention and intervention curriculum and programs;
- (b) Adding new programs in neighborhoods affected by high levels of gang activity which emphasize positive role models, problem solving, and community safety;

(c) Providing additional after-school and summer programs which stress academic and social success, recreational activities, sports, athletic programs, and safe neighborhoods without fear of gangs, drugs or violence.

(d) Providing grants to organizations for youth and parenting programs which focus on gang and anti-violence education, prevention and intervention, community safety, and a comprehensive array of social services in high need neighborhoods.

(B) Of the tax revenues received by the City, forty percent (40%) shall be expended for Police purposes as specified in sections (a) through (e) of subparagraph (A)(1), forty percent (40%) shall be expended for Fire purposes as specified in sections (a) through (d) of subparagraph (A)(2) and twenty percent (20%) shall be used to fund the Gang Prevention programs and purposes as specified in sections (a) through (d) of subparagraph (A) (3).

(C) As a result of increased State revenue reductions to cities in fiscal years 2004-2005 and 2005-2006, the City Council may authorize the use of a portion of the tax revenues to fund the eleven Police Department positions (nine police officers and two staff positions) and two Fire Department emergency response companies (Engine-26 and Truck-2) that were not funded in the 2004-2005 budget, as adopted on June 17, 2004. The tax revenues may only be used for these purposes during fiscal years 2004-2005 and 2005-2006.

(D) The remaining tax revenues in fiscal years 2004-2005 and 2005-2006 and tax revenues received in subsequent years shall be used to enhance Police and Fire uses and purposes and Gang Prevention and Youth Programs as outlined in paragraph (A) and detailed in the Transactions and Use Tax Implementation Plan. Funding of the implementation plan may not be below the actual revenues received from the tax nor shall tax revenues be used to replace previously budgeted funds unless approved by six Council members based on a finding of fiscal crisis or catastrophic disaster. Tax revenues will not be used to supplant the general fund obligations to fund baseline services based upon population and economic conditions.

(E) If the State of California does not reinstate the Motor Vehicle License fee backfill revenues and property tax shifts associated with the Governor's current budget proposal and/or does not repay its loan from the City for Motor Vehicle License revenue lost in fiscal years 2003-2004, as currently anticipated, the City Council may, during fiscal year 2006-2007, consider the use of an amount of the tax revenue equal to the lost revenues and use that amount to fund the reductions in Police and Fire services identified in paragraph (C). The City Council shall first consider additional revenue growth received by the City.

(F) The Council, by resolution, shall approve, and may from time to time amend when approved by six Council members, a Transaction and Use Tax Implementation Plan which shall outline the uses and purposes and their funding, as authorized by this section, to which the tax revenues will be applied.

(G) During the continuation of the tax, annual funding of Police Department, Fire Department and Gang Prevention/Intervention Programs' purposes and uses that are funded under the City's 2015-2016 fiscal year budget, as adopted on June 17, 2015, may not be a lower percentage of City General Fund expenditures than was funded under the City's 2015-2016 fiscal

year General Fund budget, as adopted on June 17, 2015, unless a lower level of funding is first approved by the affirmative vote of six Council members.

(H) The Council, by resolution, shall establish a seven member Citizen Oversight Committee to annually review expenditures and appropriations of the tax revenues to ensure that all such revenues are spent or appropriated for the purposes and uses set forth in paragraph (A), in accordance with the allocation percentages set forth in paragraph (B), and, as specifically authorized, in paragraphs (C), (D) and (E). Each member of the Council shall appoint one member of the Committee who shall have a term coinciding with the term of the appointing Council member. Each Committee member shall be a resident of the City at the time of appointment and shall remain a resident of the City while serving on the Committee. The Mayor shall appoint the chairperson of the Committee subject to the approval of the majority of the Council. The Committee shall receive the assistance of City staff and shall issue an annual public report on the expenditures and appropriations of the tax revenues. The Committee shall undertake such additional duties as the Council may designate.”

Section 2. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 4. Effective Date. This ordinance, following its adoption by majority vote of the City Council and its publication, shall become effective upon the approval by a majority of the voters of the City voting thereon at an election called for that purpose.

This ordinance was introduced by the Council of the City of Santa Rosa on August 2, 2016.

IN COUNCIL DULY PASSED this 9th day of August, 2016.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

Interim City Attorney