Jennifer Wood
Mayor

J. Carlos Gomez
Mayor Pro Tem

Chuck McGuire
Councilmember

Donald Parris
Councilmember

Eugene Stump
Councilmember

AGENDA

CITY OF CALIFORNIA CITY
CITY COUNCIL
SPECIAL MEETING

Tuesday May 2, 2018 @ 8:00 pm

Council Chambers
21000 Hacienda Blvd.
California City, Ca 93505

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (760) 373-7140. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

NOTE: Any writings or documents provided to a majority of the City Council regarding any item on this agenda is available for public inspection in the City Clerk's office at City Hall located at 21000 Hacienda Blvd, California City, Ca during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable laws. These writings are also available for review in the public access binder in the Council Chambers at the time of the meeting.

At this time, please take a moment to turn off your cell phones

CALL TO ORDER

PLEDGE OF ALLEGIANCE / INVOCATION

ROLL CALL
Councilmembers, McGuire, Parris, Stump, Mayor Pro Tem Gomez, Mayor Wood

ADOPT AGENDA

CLOSED SESSION
CS 1. Pursuant to Cal Gov't Code §54956.9(d)(2): Potential Litigation (1) Case

REPORT OUT OF CLOSED SESSION

PUBLIC HEARING
PH 1. Proposed Resolution calling for a Special Election to be held July 31, 2018 – City Manager Stockwell

PUBLIC HEARING PROCEDURE
A. Mayor read the item
B. Mayor reopen the Public Hearing open
C. Hear staff report
D. Council questions only
E. Ask city clerk to report on any communication(s)
F. Mayor call for public testimony
G. Close Public Hearing by motion
H. Council discussion
I. Council motion and vote

Recommendation
Council discuss, take public testimony and adopt **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA, CALIFORNIA CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JULY 31, 2018 FOR THE PURPOSE OF SUBMITTING A PUBLIC SAFETY MEASURE TO THE VOTERS OF THE CITY"**

WORKSHOP (Item to be discussed only, no formal action taken)

Budget Workshop

ADJOURNMENT

AFFIDAVIT OF POSTING: This notice was posted at least 24 hours prior to the meeting on all official City bulletin boards, as required by law. *Denise Hilliker, City Clerk*

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JULY 31, 2018 FOR THE PURPOSE OF SUBMITTING A PUBLIC SAFETY MEASURE TO THE VOTERS OF THE CITY;

WHEREAS, at an April 10, 2018 election, the City's voters rejected a perpetual flat rate parcel tax to fund public safety, street improvements, senior programs, parks and recreation; and

WHEREAS, because an existing tax is sunsetting, the City anticipates that it will experience a 60% decrease in municipal revenues in Fiscal Year 2018-19 as compared with Fiscal Year 2017-18; and

WHEREAS, the City's recently adopted Cannabis Business Tax has not yet begun to generate substantial revenues for the City; and

WHEREAS, projected municipal revenues for Fiscal Year 2018-19 will be insufficient to fund existing public safety services, even if the City essentially eliminates all other municipal services and expenses; and

WHEREAS, the City Council believes that the people of California City wish to avoid steep cuts to essential public safety services; and

WHEREAS, the City Council desires to propose the creation of a funding source that (i) is exclusively for public safety purposes, (ii) expires after six years, and (iii) has a rate that adjusts as the City receives Cannabis Business Tax revenues and increased revenues from other funding sources.

WHEREAS, the City Council desires to submit a special parcel tax measure to the voters of the City at a Special Municipal Election to be held on Tuesday, July 31, 2018; and

WHEREAS, the proposed tax (the "Special Parcel Tax") is more completely described in the ordinance attached hereto as Attachment "A" and incorporated herein by reference (the "Tax Ordinance"); and

WHEREAS, this resolution was adopted following a public hearing that was noticed as required by Section 54956 of the Government Code and applicable law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Proposal. Pursuant to Section 50077 of the Government Code, the City Council hereby proposes the Special Parcel Tax.

Section 3. Election. The City Council hereby calls a Special Municipal Election for Tuesday, July 31, 2018 (the "Election") and orders, pursuant to Section 9222 of the Elections Code, that the Tax Ordinance be submitted to the voters at that election.

Section 4. Ballot Question. The question submitted by Section 3 of this Resolutions shall appear on the ballot as follows:

Exclusively for the purpose of funding police and fire costs, shall the City of California City collect a "Public Safety Only Special Parcel Tax" in tax years 2018-19 through 2024-25 at a rate not to exceed 50 cents per parcel per day (with such maximum tax rate reduced based on cannabis business taxes and certain other new revenues received), expected to initially raise $7,000,000.00 annually?	**YES**	
	NO	

Section 5. Approval. Pursuant to Section 4 of Article XIII A of the Constitution, this measure requires approval by a two-thirds vote of those casting ballots on the measure.

Section 6. Conduct of Election. The City Clerk shall conduct the election in the manner set forth in the California Elections Code for a special municipal election and the City Clerk is authorized to take all actions necessary or useful for the conduct of such election.

Section 7. Analysis and Argument. The City Attorney shall prepare an impartial analysis of the measure. The impartial analysis shall be included with other ballot materials. Any person may prepare an argument against the measure not exceeding 300 words in length. If more than one argument is submitted against the measure, the City Clerk shall select the argument against the measure to be included with the ballot materials. Rebuttal arguments shall be permitted.

APPROVED and ADOPTED this __th day of May, 2018.

_____
Jennifer Wood, Mayor

ATTEST:

_____
Denise Hilliker, City Clerk

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CALIFORNIA CITY, CALIFORNIA ADDING DIVISION 5 (PUBLIC SAFETY ONLY SPECIAL PARCEL TAX) TO ARTICLE 1 OF CHAPTER 2 OF TITLE 3 OF THE CALIFORNIA CITY MUNICIPAL CODE

THE PEOPLE OF THE CITY OF CALIFORNIA CITY DO ORDAIN AS FOLLOWS:

Section 1. **Adoption of Special Parcel Tax**. Division 5 is hereby added to Article 1 of Chapter 2 of Title 3 of the California City Municipal Code to read as follows:

DIVISION 5—Special Parcel Tax

Section 3-2.1.501. Short Title.

This Division may be referenced to as the California City Public Safety Only Special Parcel Tax Ordinance of 2018.

Section 3-2.1.502. Tax Levied.

An annual special tax is hereby levied by the City on all lots and parcels within the boundaries of the City other than lots and parcels that (i) are exempt from this tax pursuant to the Constitution or laws of the United States or of the Constitution or laws of the State of California or (ii) are exempt from the ad valorem property tax or have an ad valorem property tax liability of zero.

Section 3-2.1.503. Maximum Rate.

The rate of the tax against each lot and parcel in any tax year shall not exceed fifty cents per day, less the daily per parcel rate reduction for that tax year calculated pursuant to Section 3-2.1.504.

Section 3-2.1.504. Rate Reduction.

(a) For each tax year, the Finance Director shall calculate a daily per parcel rate reduction. He or she shall present his or her calculation of the rate reduction to the City Council as part of the budget process.

(b) The daily per parcel rate reduction shall be the amount, calculated on a per parcel per day basis (and rounded down to the nearest cent), that would be necessary to raise an amount of revenue equal to ninety percent of "new revenue."

(c) For purposes of this section, "new revenue" means the amount calculated by subtracting the "qualified revenue" collected in Fiscal Year 2017-18 from the "qualified revenue" collected (or projected by the Finance Director to be collected) during the fiscal year immediately prior to the current tax year. For example, for purposes of calculating the rate reduction applicable to the tax levied in Tax Year 2020-21, "new revenue" would be calculated by subtracting the "qualified revenue" collected in Fiscal Year 2017-18 from the "qualified revenue" collected in Fiscal Year 2019-20.

(d) For purposes of this section, "qualified revenue" means all tax receipts from (i) the ad valorem property tax; (ii) the sales and use tax imposed pursuant to the Uniform Local Sales and Use Tax Law of the City of California City; and (iii) the cannabis business tax imposed pursuant to Section 3-2.8.050 of this Code.

Section 3-2.1.505. Annual Proceedings.

The City Council is authorized to determine for each tax year, by ordinance or resolution, the tax levied against each lot or parcel. The tax for a tax year shall be calculated based on a single flat rate per lot or parcel. The ordinance or resolution shall list each taxed lot or parcel by assessor's parcel number. The ordinance or resolution shall constitute the official record of the assessment of the special tax, and a copy thereof, together with any other pertinent data, shall be transmitted to the appropriate county officials to facilitate collection of the tax.

The tax levied against any lot or parcel pursuant to this section for a tax year shall be no greater than 365 (or 366 if the tax year contains a leap day) times the daily rate permissible pursuant to Section 3.2.1.503.

Section 3-2.1.506. Collection.

The tax shall be collected by the County of Kern in the same manner and subject to the same penalty and procedure as ad valorem property taxes collected by the county. Unpaid taxes shall bear interest at the same rate as the rate for unpaid ad valorem property taxes until paid. The county may deduct its reasonable costs incurred for the service before remittal of the balance to the city.

Section 3-2.1.507. Use of Funds.

All tax proceeds received shall be divided evenly between two special funds: (i) the Police Special Tax Fund and (ii) the Fire/EMS Special Tax Fund.

Funds in the Police Special Tax Fund, and earnings thereon, shall be used only for police equipment, vehicles, supplies, training, facilities, administrative expenses, operating expenses (including dispatch), maintenance expenses, personnel costs and associated overhead costs.

Funds in the Fire/EMS Special Tax Fund, and earnings thereon, shall be used only for fire, emergency medical services, code enforcement, equipment, apparatus, vehicles, supplies, training, facilities, administrative expenses, operating expenses (including dispatch); maintenance expenses, fire prevention program expenses, personnel costs and associated overhead costs.

Section 3-2.1.508. Accountability.

For so long as proceeds of the tax remain unexpended, the Finance Director of the City shall file an annual report with the City Council stating the amount of taxes collected, the amount expended, and the purpose of the expenditures. Such annual report shall relate to the Fiscal Year most recently ended, and may be incorporated into or filed with the annual budget, audit or other appropriate routine report to the City Council.

Section 3-2.1.509. Duration.

The levy of tax shall commence with tax year 2018-19. The final levy of the tax shall be for tax year 2023-2024, unless the tax is extended by a vote of the people.

Section 3-2.1.510. Amendment.

The City Council may, by ordinance, amend, repeal, renumber or recodify any or all of the provisions of this Section; provided, however, that no ordinance extending the tax beyond the dates set forth in Section 3-2.1.509 or increasing the maximum rate of the tax shall be effective unless submitted to, and approved by, the voters of the City as required pursuant to the applicable law at the time of such action

Section 2. Prior Tax. Nothing in the Ordinance shall be construed to affect the City's existing authority to levy a parcel tax prior to tax year 2018-19.

Section 3. Severability. If, for any reason, any portion of this Ordinance is rendered or declared invalid or unenforceable by a court or an administrative body of competent jurisdiction or by reason of any preemptive legislation, the remaining portions of this Ordinance shall remain in full force and effect.

This Ordinance was approved and adopted by the People of the City of California City at the City's June 6, 2017 special municipal election.

_____
Jennifer Wood, Mayor

ATTEST:

_____
Denise Hilliker, City Clerk