

RESOLUTION NO. 2017- \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF DESERT HOT SPRINGS ON NOVEMBER 7, 2017, REGARDING A BALLOT MEASURE TO EXTEND EXISTING VOTER-APPROVED FUNDING TITLED "DESERT HOT SPRINGS 911, GANG/DRUG CRIME PREVENTION MEASURE" ASKING SHALL THE ORDINANCE TO PREVENT ESSENTIAL PUBLIC SAFETY SERVICES CUTS SUCH AS POLICE/EMERGENCY RESPONSE, ANTI-GANG/DRUG, YOUTH VIOLENCE PREVENTION AND SEX OFFENDER/PAROLEE MONITORING PROGRAMS, EXTENDING THE EXISTING, VOTER-APPROVED PUBLIC SAFETY MEASURE AT THE REDUCED RATE OF \$103 PER SINGLE FAMILY RESIDENCE, PROVIDING APPROXIMATELY \$2,000,000 ANNUALLY, UNTIL ENDED BY VOTERS, REQUIRING OVERSIGHT, AUDITS, ALL FUNDS FOR LOCAL PUBLIC SAFETY SERVICES, WITH A TAX DECREASE FOR THESE PARCELS BE ADOPTED?

**WHEREAS**, in May 2009 voters in the City of Desert Hot Springs enacted Measure A to modernize and expand the city's utility users tax; and

**WHEREAS**, in June 2010 voters in the City of Desert Hot Springs enacted Measure G extending the city's parcel tax to maintain essential public safety services; and

**WHEREAS**, this existing voter-approved local funding provides \$5 million in annual funding for police officers and emergency dispatchers, anti-gang and anti-drug enforcement operations, rapid emergency response times, crime prevention and investigation, graffiti removal, and other essential public safety services; and

**WHEREAS**, over the past decade, the State has taken millions of dollars from the City of Desert Hot Springs, including \$1.5 million in redevelopment funding; and

**WHEREAS**, amid these state takeaways, the City avoided bankruptcy, reduced a \$6 million deficit, cut staff by half, increased fiscal stability and transparency, and maintained essential services including public safety; and

**WHEREAS**, the City is making progress on lowering crime rates amid rising homelessness and state policies that continue to put offenders back on our streets;

and

**WHEREAS**, the loss of voter-approved public safety services funding would require a 60% reduction in our local police force; and

**WHEREAS**, the city's Police Department is already understaffed, with one-third too few officers for cities of similar size according to national standards; and

**WHEREAS**, despite already being some of the lowest-paid in California, every police officer in the city has taken a 22 percent pay cut while protecting our community; and

**WHEREAS**, the City needs to recruit, train and retain experienced police officers; and

**WHEREAS**, by law, all funds from existing, voter-approved funding has been specifically used only for Desert Hot Springs public safety services; and

**WHEREAS**, renewing these measures is critical to the safety and survival of our city; and

**WHEREAS**, Desert Hot Springs' main fire station is the third-busiest in the county; and

**WHEREAS**, without this existing funding, one of our two fire stations will have to close, increasing the time it takes for 9-1-1 to respond in an emergency; and

**WHEREAS**, since 2012, the City's independent financial advisor, Urban Futures Inc., has provided the City Council and Executive Management Staff with annual updates on the City's current financial position as well as a five-year forecast for the City's General Fund; and

**WHEREAS**, while the City has been successful in implementing budget sustainability recommendations, it has come at the cost of some City services being reduced, such as but not limited to, a 25% reduction in compensation to all full-time staff, including Public Safety Staff, and the elimination of financial assistance to outside organizations, which were steps necessary to ensure the City could maintain very basic service levels and to ensure the City could weather the next recession; and

**WHEREAS**, in the future, however, should the City face another significant threat to its financial stability, similar cuts will not be available because they have already been implemented; and

**WHEREAS**, Measure A and Measure G collectively provide approximately \$5 million annually in City funding which must be set aside in a separate Public Safety Fund (Fund 245) to be specifically utilized for Public Safety services in the City; and

**WHEREAS**, these measures include accountability provisions such as requiring financial oversight and guaranteed annual independent audits; and

**WHEREAS**, all funding generated by these measures is legally required to stay in Desert Hot Springs for public safety services to ensure funds are used as promised to voters; and

and

**WHEREAS**, both Measure A and Measure G are considered to be special taxes pursuant to Section 1(d) of Article XIII C of the California Constitution which defines a "special tax" as any tax imposed for specific purposes; and

**WHEREAS**, both Section 2(d) of Article XIII C of the California Constitution and Section 53722 of the Government Code require that special taxes be approved by at least two-thirds of the voters voting on the special tax measure; and

**WHEREAS**, the next regularly scheduled general election for the City of Desert Hot Springs is not until November 2018; and

**WHEREAS**, the November 7, 2017 election would be considered a special election should the City Council want to add a special tax measure to the November 7, 2017 election ballot; and

**WHEREAS**, based on all of the information presented at the July 5, 2017 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 proposed special tax does not constitute a project under CEQA and therefore review under CEQA is not required.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL FOR THE CITY OF DESERT HOT SPRINGS, AS FOLLOWS:**

**Section 1.            RECITALS**

That the recitals set forth above are true and correct and are hereby incorporated herein as findings of the City Council.

## **Section 2.**                    **ELECTION**

That the City Council of the City of Desert Hot Springs hereby calls and orders to be held in the City of Desert Hot Springs, a special municipal election of the qualified electors of the City of Desert Hot Springs on November 7, 2017, for the purpose of submitting to the voters a ballot measure asking: Shall the Ordinance to prevent essential public safety services cuts such as police/emergency response, anti-gang/drug, youth violence prevention and sex offender/parolee monitoring programs, extending the existing, voter-approved public safety measure at the reduced rate of \$103 per single family residence, providing approximately \$2,000,000 annually, until ended by voters, requiring oversight, audits, all funds for local public safety services, with a tax decrease for these parcels be adopted?

## **Section 3.**                    **BALLOT MEASURE**

That a ballot measure ("Measure") shall be submitted to the voters on the November 7, 2017, special municipal election ballot in the form of the following question:

<b>DESERT HOT SPRINGS 911, GANG/DRUG CRIME PREVENTION MEASURE</b>		
Shall the Ordinance to prevent essential public safety services cuts such as police/emergency response, anti-gang/drug, youth violence prevention and sex offender/parolee monitoring programs, extending the existing, voter-approved public safety measure at the reduced rate of \$103 per single family residence, providing approximately \$2,000,000 annually, until ended by voters, requiring oversight, audits, all funds for local public safety services, with a tax decrease for these parcels be adopted?	YES	NO

That the full text of the proposed Measure to be submitted to the voters is attached as Exhibit A. If at least two-thirds of the qualified voters voting on the Measure vote in favor of the Measure, the Measure shall be deemed effective ten (10) days after the election results are certified by the City Council.

## **Section 4.**                    **ELECTIONS CODE SECTION 13119 STATEMENT**

- A. That the **decrease** in the Public Safety Special Tax rate for:
1. Single Family Residential/R-1/CON, which is measured per dwelling unit, will be decreased from \$138.64 (which is the current rate for FY 2017/2018) to \$103.00

B. That the **increase** in the Public Safety Special Tax rates for:

1. Residential Vacant, which is measured per dwelling unit, which will be increased from \$9.82 (which is the current rate for FY 2017/2018) to \$19.14
2. Commercial Vacant, which is measured per acre, which will be increased from \$133.80 (which is the current rate for FY 2017/2018) to \$267.60
3. Industrial Vacant, which is measured per acre, which will be increased from \$2.71 (which is the current rate for FY 2017/2018) to \$5.42
4. Hotel Vacant, which is measured per acre, which will be increased from \$11.25 (which is the current rate for FY 2017/2018) to \$22.50

All of the above is expected to produce annually an additional \$91,138 of revenue for the Public Safety Fund, with the Public Safety Tax remaining in place until subsequently repealed by the voters.

#### **Section 5. PUBLIC INSPECTION**

That the City Clerk shall maintain a copy of the Measure and proposed ordinance and make the same available for public inspection upon request.

#### **Section 6. DEADLINE FOR SUBMISSION OF ARGUMENTS**

That arguments in Favor or Against the Measure shall be filed with the City Clerk of the City of Desert Hot Springs on or before August 21, 2017, after which no arguments for or against the Measure may be submitted to the City Clerk.

#### **Section 7. ARGUMENTS IN FAVOR**

That the Mayor is hereby authorized to select two members of the City Council to prepare a written argument in favor of the proposed Measure, not to exceed 300 words, on behalf of the City Council. At the Mayor's discretion, the argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote.

#### **Section 8. REBUTTALS**

In the event that an argument is filed against the Measure, the Mayor is also authorized to select two members of the City Council to prepare a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote. The rebuttal arguments shall be filed with the City Clerk by August 31, 2017, and shall not exceed 250 words in length.

#### **Section 9. CITY ATTORNEY ANALYSIS**

That the City Clerk is hereby directed to transmit a copy of the Measure and proposed ordinance to the City Attorney, who shall prepare an impartial analysis of the Measure by August 21, 2017, showing the effect of the Measure on the existing law and the operation of the Measure in accordance with Section 9280 of the Elections Code, and shall not exceed 500 words in length..

**Section 10.**                    **PUBLIC INSPECTION**

That the City Clerk shall make available for public inspection: (a) the arguments filed For or Against the Measure and the City Attorney's Impartial Analysis during the period commencing August 22, 2017, and ending on August 31, 2017; and (b) the rebuttals to the arguments filed For or Against the Measure. During the period commencing September 1, 2017, and ending September 10, 2017,

**Section 11.**                    **ELECTION RETURNS**

That the Riverside County Registrar of Voters is hereby authorized to canvass the returns of the election.

**Section 12.**                    **PARTY RESPONSIBLE FOR MANAGING ELECTION**

That the Board of Supervisors of the County of Riverside is hereby requested to issue instructions to the Riverside County Registrar of Voters to take any and all steps necessary for the holding of the election.

**Section 13.**                    **REIMBURSEMENTS**

That the City of Desert Hot Springs recognizes that costs will be incurred by the County of Riverside in connection with the election and agrees to reimburse the County for any such costs.

**Section 14.**                    **CITY CLERK DUTIES**

That the City Clerk is hereby directed to: (a) file a certified copy of this Resolution with the Board of Supervisors and the Riverside County Registrar of Voters; and (b) cause the posting, publication, and printing of notices and all other matters pursuant to the requirements of the Elections Code and Government Code of the State of California.

**Section 15.**                    **EFFECTIVE DATE**

That this Resolution shall take effect upon its adoption.

**Section 16.**                    **CERTIFICATION**

That the City Clerk shall certify to the passage of this Resolution and enter it into the book of original resolutions.

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at a regular meeting held on the 5th day of July, 2017, by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

[SIGNATURES FOLLOW ON THE NEXT PAGE]

**ATTEST:**

\_\_\_\_\_  
Jerryl Soriano, CMC, City Clerk

**APPROVED:**

\_\_\_\_\_  
Scott Matas, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jennifer A. Mizrahi, City Attorney

DRAFT



**EXHIBIT A**

**PROPOSED ORDINANCE**

DRAFT