

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 NEIGHBORHOOD POLICE PROTECTION AND PUBLIC SAFETY MEASURE" ASKING SHALL THE ORDINANCE TO INCREASE POLICE TRAINING, RECRUITMENT/RETENTION AND CRIME INVESTIGATION/PREVENTION; MAINTAIN RAPID POLICE, FIRE AND 9-1-1 EMERGENCY RESPONSE TIMES; AND TO HIRE ADDITIONAL POLICE OFFICERS TO PATROL STREETS, EXTENDING ITS EXISTING, VOTER-APPROVED UTILITY USERS' TAX, PRODUCING APPROXIMATELY \$2,831,543 ANNUALLY, UNTIL ENDED BY VOTERS, WITH INDEPENDENT CITIZENS' OVERSIGHT, ANNUAL AUDITS, AND REQUIRING ALL FUNDS FOR LOCAL PUBLIC SAFETY SERVICES 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

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 increase police training, recruitment/retention and crime investigation/prevention; maintain rapid police, fire and 9-1-1 emergency response times; and to hire additional police officers to patrol streets, extending its existing, voter-approved utility users' tax, producing approximately \$2,831,543 annually, until ended by voters, with independent citizens' oversight, annual audits, and requiring all funds for local public safety services 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:

DESERT HOT SPRINGS NEIGHBORHOOD POLICE PROTECTION AND PUBLIC SAFETY MEASURE		
Shall the Ordinance to increase police training, recruitment/retention and crime investigation/prevention; maintain rapid police, fire and 9-1-1 emergency response times; and to hire additional police officers to patrol streets, extending its existing, voter-approved utility users' tax, producing approximately \$2,831,543 annually, until ended by voters, with independent citizens' oversight, annual audits, and requiring all funds for local public safety services 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**

That the Utility Users Tax currently produces approximately annually \$2,831,543 of revenue for the Public Safety and Debt Service Funds, which will remain the same since there will be no increase in or expansion of the Utility Users Tax rates, until subsequently repealed by 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, not to 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]

DRAFT

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