

FILED IN THE OFFICE OF THE
CHIEF ELECTIONS OFFICER
OF SAN MATEO COUNTY, CALIF.

AUG 10 2016

MARK CHURCH, Chief Elections Officer
By: 
DEPUTY CLERK

STATE OF CALIFORNIA }
 } ss.
COUNTY OF SAN MATEO }

I, K. Annette Hipona, City Clerk, in and for the City of Daly City, County of San Mateo, State of California, and ex-officio Clerk of the City Council thereof, do hereby certify the annexed to be a full, true and exact copy of

Resolution No. 16-121, A Resolution of the City Council of the City of Daly City Ordering the Submission to the Qualified Electors of the City of Daly City A Measure to Approve A Public Safety Parcel Tax at the General Municipal Election to be held on Tuesday, November 8, 2016; Requesting Consolidation of said Measure with the Statewide General Election and that the County of San Mateo Provide Election Services

as the same appears in the official records of the City of Daly City.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 10th of August
2016.



K. Annette Hipona, City Clerk

Assistant City Clerk

RESOLUTION NO. 16-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF DALY CITY A MEASURE TO APPROVE A PUBLIC SAFETY PARCEL TAX AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016; REQUESTING CONSOLIDATION OF SAID MEASURE WITH THE STATEWIDE GENERAL ELECTION AND THAT THE COUNTY OF SAN MATEO PROVIDE ELECTION SERVICES

WHEREAS, the City of Daly City has been facing ongoing fiscal challenges dating to the "great recession" of 2008/2009, resulting in reductions to staffing levels across all city departments and operations, except for sworn personnel in Fire and Police; and

WHEREAS, salaries and benefits have been reduced for current staff, significant reductions have been made in direct services to the public and to departmental operations; and

WHEREAS, increasing workforce costs, rising healthcare expenses, overtime costs due to staffing shortages, and escalating pension obligations due to losses suffered by the CalPERS, have all contributed to a perfect storm when coupled with a sluggish economic recovery affecting the City's revenues; and

WHEREAS, stagnant revenue growth over the last several years, as well as the lack of a diversified revenue base and overreliance on property, sales, and utility users taxes, have contributed to a structural budget deficit of approximately \$6 million; and

WHEREAS, to address the structural budget deficit and minimize reliance on general fund reserves to plug the fiscal gap, in the just adopted FY 2016-17 and 2017-18 biennial budget, the City Council approved recommended cuts in service levels and programs across every city department including, for the first time, significant reductions in public safety services including the elimination of six vacant police officer positions in the Police Department and the elimination of a Fire Department engine company (nine sworn fire personnel); and

WHEREAS, these budget reductions, while not desired by the City, were necessary to support balancing the FY 2016-17 and 2017-18 budget and avoid continued reliance on the City's reserves to support ongoing fiscal expenditures which would have exacerbated the City's already growing budget deficit; and

WHEREAS, thereafter the City Council directed staff to examine a new source of revenue to fund the restoration of the public safety services cut from the current biennial budget; and

WHEREAS, at its regular meeting of July 25, 2016, City staff presented the City Council with information related to the potential implementation of a parcel tax pursuant to Article 3.7 of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code (Sections 53720-53730) and the California Constitution Articles XIII A, Section 4 and XIII D, Section 3(a)(2), specifically for police and fire public safety purposes, and after duly considering all information and public testimony thereon, the City Council directed staff to present it with legislation necessary to place a Parcel Tax Ordinance on the November 8, 2016; and

WHEREAS, the proposed "ORDINANCE ADDING CHAPTER 3.26 TO TITLE 3 OF THE CITY OF DALY CITY MUNICIPAL CODE PROVIDING FOR A PUBLIC SAFETY PARCEL TAX", attached hereto and incorporated herein by reference as Exhibit "A" (the "Public Safety Parcel Tax Ordinance"), would impose a flat tax on each parcel of real property within the City of Daly City at the rate of \$162.00 per parcel, per year, for a period of five years, to be billed on the annual property tax bill sent by the county tax collector pursuant to Government Code section 53087.4, thereby generating an estimated \$3.8 million per year to restore specific police and fire personnel and related operational costs; and

WHEREAS, a general municipal election consolidated with the statewide general election to be held on Tuesday, November 8, 2016, has been called and pursuant to Government Code Section 53724 and Elections Code Section 9222, the City Council desires to submit the Public Safety Parcel Tax Ordinance to the qualified electors of the City of Daly City at the consolidated election; now, therefore, be it

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Daly City does hereby declare, determine and order as follows:

MEASURE TO BE SUBMITTED TO THE VOTERS

1. Section 2(d) of Article XIIC of the California Constitution (Proposition 218) requires that a special tax must be submitted to the voters for approval and Government Code Section 53724 (c) requires that any tax submitted to the voters for approval shall be consolidated with a statewide primary election, a statewide general election, or a regularly scheduled local election at which all of the electors of the local government or district are entitled to vote, and the City Council desires that the Public Safety Parcel Tax Ordinance be submitted to the voters for approval at the general municipal election consolidated with the statewide general election to be held on Tuesday, November 8, 2016.

2. The full text of the Public Safety Parcel Tax Ordinance, attached to this Resolution as Exhibit A, shall be printed in the voter pamphlet. Pursuant to Government Code Section 53724 and Elections Code Section 9222, the City Council hereby submits the Public Safety Parcel Tax Ordinance to the voters at the general municipal election consolidated with the statewide general election and orders the following question to be submitted to the voters on the ballot as follows:

"Shall the Public Safety Parcel Tax Ordinance imposing a flat tax on each parcel of real property within the City of Daly City at the rate of \$162.00 per parcel, per year, for a period of five years, to be billed on the annual property tax bill sent by the tax collector of San Mateo County, thereby generating an estimated \$3.8 million annually to restore specific police and fire personnel and related operational costs, be adopted?"

Yes _____

No _____

16
15
18
10
11

70 words

3. This question requires approval by a two-thirds (66.67%) vote of those casting ballots.

4. On May 23, 2016, the City Council adopted a resolution requesting the Board of Supervisors of the County of San Mateo to consolidate the City of Daly City's general municipal election for the purpose of electing two (2) Councilmembers, a City Clerk and City Treasurer with the Statewide election to be held on November 8, 2016, and accordingly, pursuant to the requirements of Section 10403 of the Elections Code, the City Council hereby requests that the consolidated election of November 8, 2016, include the submission of the Public Safety Parcel Tax Ordinance measure to the voters of the City of Daly City; and, be it, further

5. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed by Section 10418 of the Elections Code; the City of Daly City requests the services of San Mateo County to conduct said general municipal election and the Board of Supervisors is requested to issue instructions to the County staff to take any and all steps necessary for the holding of a consolidated election; San Mateo County and its staff are authorized and instructed to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment and other necessary items in order to properly and lawfully conduct the election; San Mateo County is authorized to canvass the returns of the election, which shall be held in all respects as if there were only one election, and only one form of ballot shall be used; and the City of Daly City recognizes that additional cost will be incurred by the County by reason of the consolidation of the Public Safety Parcel Tax Ordinance measure with the Statewide election and agrees to reimburse the County for any costs that are not reimbursed by the State; and, be it, further

6. The City Council hereby authorizes and directs the City Attorney to prepare an impartial analysis of the measure in accordance with Section 9280 of the Elections Code showing the effect of the measure on existing law and the operation of the measure, not exceeding 500 words in length.

7. Arguments for or against said measure shall be filed with the City Clerk of the City of Daly City. The City Clerk shall fix the dates for submittal of arguments as provided for in Section 9286 of the Elections Code.

8. Members of the City Council of Daly City express their intent to submit an argument in accordance with Election Code Section 9282 in favor of this measure, and/or rebuttal argument to argument(s) in opposition to this measure.

9. Rebuttal arguments may be submitted as provided for in Section 9285 of the Elections Code of the State of California.

10. Notice of the time and place of holding the election is established, and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

11. The City Clerk shall certify this Resolution and forward the same to the County of San Mateo.

12. Should any section, subsection, clause or provision of this resolution for any reason be held to be invalid, then the remainder of the resolution shall be deemed valid, it being expressly declared that this resolution, and each and every section, subsection, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified even if any other section, subsection, sentence, clause or phrase of this resolution were declared invalid; and, be it, further

13. The City Council hereby finds that the proposed Public Safety Parcel Tax Ordinance is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) because the City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of the ordinance may have a significant effect on the environment, and accordingly the adoption of the ordinance is not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3); additionally, the ordinance involves the creation of a government funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment and thus is not a project subject to the requirements of CEQA pursuant to CEQA Guidelines Section 15378 (b)(4).

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the 8th day of August, 2016, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: Buenaventura Canepa, Christensen

Guingona, Torres

NOES, Councilmembers: None

ABSENT, Councilmembers: None


CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

DAVID CANEPA
VICE MAYOR OF THE CITY OF DALY CITY

EXHIBIT "A"

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY ADDING
CHAPTER 3.26 TO TITLE 3 OF THE CITY OF DALY CITY MUNICIPAL CODE
PROVIDING FOR A PUBLIC SAFETY PARCEL TAX**

BE IT ORDAINED by the People of the City of Daly City as follows:

SECTION 1: Adding Chapter 3.26 to Title 3 Of The City Of Daly City Municipal Code Titled "Public Safety Parcel Tax". Chapter 3.26 Of Title 3 of the City of Daly City Municipal Code titled "Public Safety Parcel Tax" is hereby added to read as follows:

**Chapter 3.26
PUBLIC SAFETY PARCEL TAX**

- 3.26.010. Purpose and Intent
- 3.26.020. Authority
- 3.26.030. Application of Public Safety Parcel Tax
- 3.26.040. Imposition of Public Safety Parcel Tax
- 3.26.050. Collection
- 3.26.060. Increase In Appropriations Limit
- 3.26.070. Deposit and Expenditure of Special Tax Proceeds
- 3.26.080. Severability
- 3.26.090. Duration, Amendment or Repeal

3.26.010. Purpose and Intent

The purpose and intent of this chapter is to provide for the imposition of an excise tax, specifically a non-ad valorem parcel tax to be imposed as a special tax, as defined pursuant to Section 53721 of the California Government Code, for the availability and provision of police and fire public safety services in the City of Daly City.

3.26.020. Authority

This chapter and the special tax authorized herein is adopted pursuant to the provisions of Article 3.7 of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code (Sections 53720-53730) and the California Constitution Articles XIII A, Section 4 and XIII D, Section 3(a)(2). The special tax authorized herein is a flat tax on each parcel of real property within the City of Daly City.

3.26.030. Application of Public Safety Parcel Tax

The special tax authorized herein shall be assessed to the owner of each parcel of real property

within the City of Daly City, unless the owner is by law exempt from taxation, in which case, the special tax imposed shall be assessed to the holder of the possessory interest in such parcel, unless such holder is also by law exempt from taxation.

3.26.040. Imposition of Public Safety Parcel Tax

The special tax authorized herein shall be levied each year, commencing July 1, 2017, on all taxable parcels of real property, improved or unimproved, within the boundaries of the City of Daly City at the rate of one hundred sixty two dollars (\$162.00) per parcel of real property, per year.

The foregoing tax rate schedule shall apply for the 2017/2018 tax year commencing July 1, 2017, and ending on June 30, 2018; for the 2018/2019 tax year commencing July 1, 2018, and ending on June 30, 2019; for the 2019/2020 tax year commencing July 1, 2019, and ending on June 30, 2020; for the 2020/2021 tax year commencing July 1, 2020, and ending on June 30, 2021; and for the 2021/2022 tax year commencing July 1, 2021, and ending on June 30, 2022.

3.26.050. Collection

Pursuant to Government Code section 53087.4, the special tax authorized under this chapter shall be collected by the Tax Collector of the County of San Mateo. Any charges made by such Tax Collector of the County of San Mateo shall be paid out of funds deducted from the gross proceeds of the special tax.

3.26.060. Increase In Appropriations Limit

Pursuant to California Constitution Article XIII B, the appropriations limit for the City of Daly City will be increased by the aggregate sum collected by levy of this special tax in each of the fiscal years covered by this chapter.

3.26.070. Deposit and Expenditure of Special Tax Proceeds

Proceeds of the special tax levied under this chapter shall be deposited into the General Fund of the City of Daly City, but shall only be expended on restoration of specific police and fire personnel and related operational costs.

3.26.080. Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby, and to this end the provisions of this chapter are declared to be severable.

3.26.090. Duration, Amendment or Repeal

This chapter shall be adopted, if approved by a two-thirds majority of the voters voting on the

measure at an election to be held on Tuesday, November 8, 2016, and shall be effective commencing with the fiscal year that begins on July 1, 2017. The authorization to levy the special tax under this chapter shall expire with the fiscal year 2021-2022 ending June 30, 2022. This chapter, or any provision herein, may only be amended or repealed by approval of a two-thirds vote of the voters voting on a measure to amend or repeal this chapter, or any provision herein.

SECTION 2: 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, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3: Codification. Section One of this ordinance shall be codified in the City of Daly City municipal code. Sections Two, Three, Four, and Five of this ordinance shall not be codified.

SECTION 4: Compliance With CEQA. The people of the City of Daly City hereby find that the action to adopt this ordinance is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) because it can be seen with certainty that there is no possibility the adoption and implementation of this ordinance may have a significant effect on the environment, and accordingly the adoption of this ordinance is not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3). Additionally, the ordinance involves the creation of a government funding mechanism for police and fire public safety services and does not involve any commitment to any project which may result in a potentially significant impact on the environment and thus is not a project subject to the requirements of CEQA pursuant to CEQA Guidelines Section 15378 (b)(4).

SECTION 5. Effective Date. This ordinance relates to the levying and collecting of the City of Daly City Public Safety Parcel Tax authorized pursuant to the provisions of Article 3.7 of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code (Sections 53720-53730) and the California Constitution Articles XI, Section 5, XIII A, Section 4 and XIII D, Section 3(a)(2), for special purposes, namely police and fire public safety services, and submitted to the City of Daly City electorate at an election called for November 8, 2016. If this ordinance is approved by a two-thirds vote of the voters voting on the measure at the election, then this ordinance shall become effective ten (10) days following the date the vote is declared by the City Council in accordance with Elections Code §9217.

STATE OF CALIFORNIA }
 } ss.
COUNTY OF SAN MATEO }

I, K. Annette Hipona, City Clerk, in and for the City of Daly City, County of San Mateo, State of California, and ex-officio Clerk of the City Council thereof, do hereby certify the annexed to be a full, true and exact copy of

Resolution No. 16-72, A Resolution of the City Council of the City of Daly City Requesting the County Clerk of San Mateo County to Render Specified Election Services in Accordance with the Election Code of the State of California

as the same appears in the official records of the City of Daly City.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 10th of August 2016.



K. Annette Hipona, City Clerk

Assistant City Clerk

RESOLUTION NO 16-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
REQUESTING THE COUNTY CLERK OF SAN MATEO COUNTY TO RENDER
SPECIFIED ELECTION SERVICES IN ACCORDANCE WITH THE
ELECTION CODE OF THE STATE OF CALIFORNIA

(Consolidation of General Municipal Election with the
Statewide General Election of November 8, 2016)

BE IT RESOLVED by the City Council of the City of Daly City, as follows

1 The Board of Supervisors of San Mateo County shall be and is hereby requested to permit the County Clerk of said County to render the services as required for the conduct of the General Municipal Election to be consolidated with the Statewide General Election to be held on Tuesday, November 8, 2016, for the purpose of submitting to the qualified voters of said City of Daly City the matter of the election of two members to the City Council and also the election of the City Clerk and City Treasurer of the City of Daly City

2 In consideration of the performance of the services and supplies provided by the County Clerk, the City of Daly City shall pay to the County of San Mateo a sum equal to the actual cost of such services and supplies

3 Said election services shall be rendered in accordance with the Elections Code of the State of California

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the 23rd day of May, 2016 by the following vote of the members thereof

AYES, and in favor thereof, Councilmember Buenaventura Canepa, Christensen
Gungona, Torres
NOES, Councilmember None
ABSENT, Councilmember None


CITY CLERK OF THE CITY OF DALY CITY

APPROVED

SAL TORRES
MAYOR OF THE CITY OF DALY CITY