

RESOLUTION NO. 19-_____

Resolution Of The City Council Of The City Of Emeryville Calling A Special Municipal Election On March 3, 2020; Ordering The Submission To The Qualified Electors Of The City Of Emeryville A Measure To Approve A Quarter-Cent Special Transactions And Use Tax; Requesting That the Alameda County Board Of Supervisors Permit Consolidation Of The Emeryville Special Municipal Election With The Statewide Direct Primary Election To Be Held On The Same Date; Requesting That The County Registrar Perform Certain Election Services In Connection With Said Consolidated Election; Authorizing The City To Reimburse The County Registrar Of Voters For Election Services Performed; Directing The City Attorney To Prepare An Impartial Analysis; And Authorizing The Filing Of Direct Argument For The Measure And Rebuttal Argument (CEQA Determination: Exempt Pursuant To CEQA Guidelines 15378(b)(4) And 15061(b)(3))

WHEREAS, the City Council of the City of Emeryville desires to submit to the voters a measure to approve a quarter-cent Special Transactions and Use Tax at a Special Municipal Election to be held on March 3, 2020; and

WHEREAS, it is necessary to request that the Alameda County Board of Supervisors consolidate such Special Municipal Election with the Statewide Direct Primary Election to be held on the same date; and

WHEREAS, the City Council desires to have the Alameda County Registrar of Voters render certain services in connection with the consolidated election; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville, that this City Council does hereby call a special municipal election on Tuesday, March 3, 2020; and be it

FURTHER RESOLVED that the Board of Supervisors of the County of Alameda is hereby requested to permit the consolidation of the City's special municipal election with the Statewide Direct Primary Election to be held on Tuesday, March 3, 2020 for the purpose of submitting to the qualified voters of the City the ballot measure set forth in the ballot question shown below; and be it

FURTHER RESOLVED by the City Council of the City of Emeryville that the consolidated election will be held and conducted in the manner prescribed in Elections Code §10418; and be it

FURTHER RESOLVED, by the City Council of the City of Emeryville that, pursuant to §10002 and §10403 of the Elections Code, the City of Emeryville formally requests that the Special Municipal Election be consolidated with the Statewide Direct Primary Election to be held on March 3, 2020 and further requests the services of the Alameda County Registrar of Voters in carrying out the Special Municipal Election, including sending to the City's registered voters all required election materials, conducting the Special Municipal Election, canvassing the vote received, and taking all steps necessary and required for the holding of this election within the City of Emeryville; and be it

FURTHER RESOLVED, by the City Council of the City of Emeryville that the City Manager is hereby authorized to reimburse Alameda County in full for the costs of conducting said election and services actually performed, upon presentation of an invoice from the County; and be it

FURTHER RESOLVED, by the City Council of the City of Emeryville that, pursuant to Elections Code Section §9222, the following proposed measure shall be added to the ballot for the March 3, 2020 Special Municipal Election and thereby submitted to the voters of the City:

MEASURE TO BE SUBMITTED TO THE VOTERS

A consolidated special municipal election, to be held on Tuesday, March 3, 2020, has been called by City of Emeryville Resolution No. 19-xx, adopted December 3, 2019. The City Council of the City of Emeryville desires to call an election to submit a measure to the qualified electors of the City of Emeryville to approve a quarter-cent Transactions and Use Tax.

The City Council hereby orders that the following question to be submitted to the voters on the March 3, 2020 ballot as follows:

“To maintain healthy communities and improve quality of life in Emeryville, shall a measure to protect the safety of local residents, reduce property crimes/auto burglaries, improve fire protection services, and provide a nurturing environment for pre-K/early childhood education for working families by levying a quarter-cent sales tax, raising approximately \$2 million annually, until ended by voters, with independent oversight and audits, exclusively for public safety and child development in Emeryville, be adopted?”

_____ YES _____ NO

This question requires the approval of a 2/3 majority of those casting votes; and, be it

FURTHER RESOLVED, by the City Council of the City of Emeryville that the City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before December 4, 2019 at 4:00 p.m., shall not exceed 500 words in length, and otherwise shall comply in all respects with the applicable provisions of the Elections Code of the State of California.

FURTHER RESOLVED, by the City Council of the City of Emeryville that the last day for filing direct arguments for or against the measure shall be December 12, 2019 at 4:00 p.m. and all such arguments shall be filed with the Emeryville City Clerk, 1333 Park Avenue, Emeryville, California and shall not exceed 300 words in length. The City Clerk, upon receipt of arguments and after the filing deadline, shall immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period described below. Arguments received prior to the deadline shall be confidential until the deadline; and be it

FURTHER RESOLVED, by the City Council of the City of Emeryville that the last day for filing rebuttal arguments for or against the ballot measure shall be December 19, 2019 at 4:00 p.m. and all such arguments shall be filed with the Emeryville City Clerk, 1333 Park Avenue, Emeryville, California and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline; and be it

FURTHER RESOLVED, by the City Council of the City of Emeryville that pursuant to Elections Code § 9295, the ten (10) day public review period for direct arguments submitted pursuant to the section above, shall open at 4:00 p.m. on December 13, 2019 and shall close at 4:00 p.m. on December 22, 2019 (10 days hence). If a rebuttal argument is submitted pursuant to the section above, the ten (10) day public review period shall open at 4:00 p.m. on December 20, 2019 and shall close at 4:00 p.m. on December 29, 2019 (10 days); and be it

FURTHER RESOLVED, that in accordance with California Elections Code Section 9282, the City Council of the City of Emeryville does resolve, declare, determine, and order that the City Council of the City of Emeryville is authorized to file a written argument in favor of the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk; and be it

FURTHER RESOLVED, by the City Council of the City of Emeryville that in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections and that the City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters; and be it

FURTHER RESOLVED, that 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 RESOLVED, the City Council hereby finds that the proposed Transactions and Use Tax ordinance involves the creation of a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant impact on the environment and thus is not a project subject to the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) ("CEQA") pursuant to CEQA Guidelines Section 15378 (b)(4); additionally, 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 exempt from the provisions of CEQA pursuant to the "general rule" at CEQA Guidelines Section 15061(b)(3); and be it

FURTHER RESOLVED, by the City Council of the City of Emeryville that this Resolution, and the full text of the ballot measure, attached to this Resolution as Exhibit A, shall be made available in print and for public examination by the City Clerk, in accordance with California Elections Code § 9223 and §9295;

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, December 3, 2019, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY