

Resolution No. 20-____

Resolution Of The City Council Of The City Of Emeryville Submitting To The Qualified Electors Of The City Of Emeryville At The General Municipal Election On November 3, 2020, A Proposed Ordinance To Impose A General Tax On Users Of Transportation Network Companies At A Rate Of 50 Cents For Private Trips And 25 Cents For Pooled Trips; Requesting The Alameda County Board Of Supervisors Permit Consolidation Of Said Ordinance With Statewide General Election To Be Held On The Same Date; Requesting That The County Registrar Perform Certain Election Services In Connection With Said Consolidated Election; And Authorizing The City To Reimburse The County Registrar Of Voters For Election Services Performed; Setting City Council Priority For Filing Written Argument; Directing The City Attorney To Prepare An Impartial Analysis; Authorizing The Filing Of Rebuttal Argument; CEQA Determination: Exempt Pursuant To CEQA Guidelines 15378(b)(4) And 15061(b)(3)

WHEREAS, Transportation Network Company (TNC) trips use the public infrastructure of the City of Emeryville, including city streets; and

WHEREAS, maintaining city streets, sidewalks, and pedestrian crossings is costly, and important to the public; and

WHEREAS, the trips of TNCs contribute to traffic congestion, air pollution, and wear and tear on the public infrastructure; and

WHEREAS, currently, TNC trips do not pay taxes to the City of Emeryville; and

WHEREAS, a 2017 study from the *University of California Davis, Institute of Transportation Studies*, stated, “Directionally, based on mode substitution and ride-hailing frequency of use data, we conclude that ride-hailing is currently likely to contribute to growth in vehicle miles traveled (VMT)”; and

WHEREAS, a report by the *San Francisco County Transportation Authority*, states: “TNCs drive approximately 570,000 vehicle miles within San Francisco on a typical weekday. This accounts for 20% of all local daily vehicle miles traveled (VMT) and includes both in-service and out-of-service mileage”; and

WHEREAS, a report by former NYCDOT staffer Bruce Schaller on TNC use in New York City stated that, “As a result of growing trip volumes, TNCs added 600 million miles of driving to city streets in 2016. The growth of on-demand ride services is also working to undercut the essential role of mass transit in absorbing growth in residents, workers and visitors.”

WHEREAS, the City of Emeryville wishes to ensure tax fairness, and to provide for adequate revenue for public needs; and

WHEREAS, multiple other jurisdictions, including the City of Chicago, and the State of Massachusetts, have adopted and implemented per-trip charges for the trips taken via Transportation Network Companies; now, therefore, be it

RESOLVED, that the Emeryville City Council finds and determines the forgoing recitals are true and correct and hereby adopts and incorporates them into this Resolution; and be it further

RESOLVED, the Emeryville City Council submits to the voters at the November 3, 2020 General Municipal Election, a measure to impose a general tax on users of Transportation Network Companies (TNCs) at a rate of 50 cents for private trips and 25 cents for pooled trips; and be it further

RESOLVED, in accordance with the provisions of Section 10002 and 10403 of the Elections Code of the State of California, the Alameda County Board of Supervisors is requested to consolidate the City of Emeryville General Municipal Election with the Statewide General Election to be held November 3, 2020; and be it further

RESOLVED, the City of Emeryville hereby requests that the Alameda County Board of Supervisors permit the Registrar of Voters of Alameda County to perform services in connection with said election at the request of the City Clerk. These services are to include all necessary services related to official ballot creation, sample ballot and voter information pamphlet preparation, vote-by-mail, polling places, poll workers, voter registration, voting machines, canvass operations, and any and all other services necessary for the conduct of the consolidated election; and be it further

RESOLVED, the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated below to be voted on by the voters of the qualified electors of the City of Emeryville; and be it further

RESOLVED, that the full text of the measure, as shown on Exhibit A, shall be printed in the Voter Information Pamphlet mailed to all voters in the City of Emeryville; and be it further

RESOLVED, that the above enumerated measure requires a majority vote threshold for passage; and be it further

RESOLVED, that the City Council hereby authorizes and directs the City Clerk at least 88 days prior to November 3, 2020 to file with the Alameda County Clerk certified copies of this Resolution; and be it further

RESOLVED, that the City Clerk is hereby directed to cause the posting, publication, and printing of notices, pursuant to the requirements of the Charter of the City of Emeryville, the Government Code, and the Elections Code of the State of California; and be it further

RESOLVED, that the City Clerk is hereby directed to obtain printing, supplies, and services as required; and be it further

RESOLVED, that the City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services, printing services, and any

such other supplies and services as may be required by the statutes of the State of California for the conduct of the November General Municipal Election; and be it further

RESOLVED, that for all City measures and contests for elected office, the consolidated election shall be held and conducted in the manner prescribed in Section 10418 of the California Elections Code; and be it further

RESOLVED, that the City Clerk and City Manager are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the 2020 General Municipal Election and appropriate all monies necessary for the City Manager and City Clerk to prepare and conduct the November 3, 2020 General Municipal Election; and be it further

RESOLVED, that said proposed ballot measure shall appear and be printed upon the ballots to be used at said election as follows:

MEASURE_____ TO ENACT A PER TRIP TAX ON PASSENGERS OF TRANSPORTATION NETWORK COMPANIES FOR TRIPS ORIGINATING IN EMERYVILLE		
Shall an ordinance to enact a general tax on the trips of users of Transportation Network Companies for prearranged trips originating in Emeryville, at a rate of 50 cents per trip for private trips and 25 cents per trip for pooled trips, regardless of the number of passengers in the trip, which is estimated to generate \$_____ annually to fund general municipal services for the City of Emeryville until repealed by the voters, be adopted?	Yes	
	No	

; and be it further

RESOLVED, that text of the ordinance be shown as Exhibit A, attached hereto and made a part hereof; and be it further

RESOLVED, that certain sections of the ordinance may be codified into the City of Emeryville Municipal Code at the direction of the City Clerk upon approval of by the voters; 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 August 5, 2020, 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; and be it 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 July 17, 2020, 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 July 27, 2020, 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, 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 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, July 7, 2020, by the following vote:

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

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY