

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member _____

RESOLUTION OF THE CITY OF HAYWARD ESTABLISHING JUNE 7, 2016, AS THE DATE FOR AN ELECTION ON A PROPOSED BALLOT MEASURE SEEKING VOTER APPROVAL RELATING TO THE RENEWAL OF THE UTILITY USERS TAX FOR TWENTY YEARS AND REQUESTING THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY TO CONSOLIDATE SAID ELECTION WITH THE PRESIDENTIAL DIRECT PRIMARY ELECTION; AND AUTHORIZING CERTAIN OTHER ELECTION ACTIVITIES

WHEREAS, the voters of the City of Hayward approved a 5.5% Utility Users Tax (UUT) in May 2009; and

WHEREAS, the current UUT will expire on June 30, 2019; and

WHEREAS, at its March 1, 2016 meeting, the City Council recognized the need to renew the UUT to maintain and preserve the level of services the residents of the City expect; and

WHEREAS, at that meeting, the City Council concluded that all of the information presented indicated that, to maintain and preserve current essential service levels, the Council should call an election to ask the voters of the City to approve a twenty-year renewal of the UUT, the revenue from which would be used to support general municipal services; and

WHEREAS, on the basis of the forgoing, the City Council determined that it is appropriate to submit a ballot measure regarding a twenty-year renewal of the UUT to the voters of the City of Hayward for their approval and adoption at the general municipal election to be held in the City on June 7, 2016; and

WHEREAS, the Hayward City Council is authorized by California Elections Code Section 9222 to place such measure before the voters; and

WHEREAS, Elections Code Sections 9281 through 9287 set forth the procedures for arguments in favor of and in opposition to any City ballot measure; and

WHEREAS, June 7, 2016 is the date of the City's general municipal election to be consolidated with the Presidential Primary Election and it is desirable that the election on the City's ballot measure be consolidated with the Presidential Primary Election to be held on

the same date; that within the City, the precincts, polling places and election officers of the two elections be the same, and that the Alameda County Department of Elections canvass the returns of the consolidated election and that the election be held in all respects as if there were only one election; and

WHEREAS, based on all the information presented at the March 1, 2016 meeting, 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 tax does not constitute a project under CEQA and therefore review under CEQA is not required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward takes the following actions:

1. Recitals. The foregoing recitals are true and correct and are hereby incorporated by reference.
2. Call Election: Placement of Measure on the Ballot. Pursuant to California Constitution Article XIIC, Section 2; Government Code Section 53724; and Elections Code Section 9222, the City Council of the City of Hayward hereby calls an election at which it shall submit to the qualified voters for the City, a measure that, if approved, would adopt a 20 year renewal of the 5.5% Utility Users Tax or until June 30, 2039. This measure shall be designated by letter by the Alameda County Registrar of Voters. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on June 7, 2016.
3. Ballot Language. The question to be presented to the voters is as follows:

To maintain City of Hayward services including: neighborhood police patrols, fire stations and 911, firefighter, paramedic response times; preserving youth and anti-gang programs; emergency and disaster preparedness; and city streets, sidewalks and lighting; shall the City of Hayward renew the existing Utility Users Tax at the current rate of 5.5 percent on gas, electricity, video and telecommunications services, providing \$16 million annually for 20 years from the current end date, with exemptions for low-income lifeline users; and all money used for City of Hayward services?	YES
	NO

4. Proposed Ordinance. The ordinance authorizing the general tax to be approved by the voters pursuant to Sections 2 and 3 of the Resolution is as set forth in Exhibit A hereto. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the June 7, 2016 election, as required by Revenue and Taxation Code Section 7285.9, subject to the

- approval of a majority of the voters voting on the measure at the election called by the adoption of this resolution. The entire text of the ordinance, attached hereto as Exhibit A, shall be included in the voters pamphlet. The ordinance specifies that the rate of the Utility Users Tax shall be at the rate of five and one half percent (5.5%) of the gross receipts made for gas, electricity, video, and telecommunication services and shall be collected from the service user by the services supplier/provider.
5. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the City of Hayward, in accordance with Section 12111 of Elections Code and Section 6061 of the Government Code.
 6. Request to Consolidate and Conduct Election and Canvass Returns.
 - a. Pursuant to the requirement of Section 1403 of the Elections Code, the Board of Supervisors of the County of Alameda is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Presidential Primary Election on Tuesday June 7, 2016, for the purpose of placing the measure set forth in Sections 3 and 4 on the ballot.
 - b. The County of Alameda Registrar of Voters is authorized to canvass the returns of the municipal election. The Election shall be held in all respect as if there were only one election, and only one form of ballot shall be used.
 - c. The Board of Supervisors is requested to issue instructions to the Alameda County Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.
 - d. The City of Hayward recognizes that additional costs will be incurred by the County of Alameda by reason of this consolidation and agrees to reimburse the County for any costs.
 7. Submission of Ballot Argument and Impartial Analysis.
 - a. The last day for submission of direct arguments for or against the measure shall be by 5:00PM on March 8, 2016.
 - b. Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
 - c. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00PM on March 18, 2016. Rebuttal arguments shall not exceed 250 words and shall be signed by not more than five persons.
 - d. The City Attorney and City Clerk are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the June 7, 2016 election and appropriate all monies necessary, consistent with the law.
 8. Effective Date. This Resolution shall become effective immediately upon its adoption and the City Clerk is directed to send certified copies of the Resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

9. CEQA. The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, "CEQA," and 14 Cal. Code Reg. §§ 15000 *et seq.*, "CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

IN COUNCIL, HAYWARD, CALIFORNIA March 1, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward