

RESOLUTION NO. 2024-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 5, 2024, FOR THE SUBMISSION OF A PROPOSED ORDINANCE FOR A ONE-CENT GENERAL TRANSACTIONS AND USE (SALES) TAX INCREASE FOR TWENTY YEARS; CONSOLIDATING THE ELECTION WITH THE STATEWIDE ELECTION; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO PERMIT THE REGISTRAR OF VOTERS TO CONDUCT THE ELECTION; AND, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, the City of Escondido ("City") may impose a local transactions and use (sales) tax increase for general governmental purposes with the approval of the majority of voters in the City; and

WHEREAS, the City Council of the City of Escondido ("City Council") has adopted an ordinance adding Chapter 25, Article 2, Division 2, sections 25-33.1 through 25-33.14, to the Escondido Municipal Code to establish a one-cent general transactions and use (sales) tax, for 20 years, to be administered by the California Department of Tax and Fee Administration including provisions for citizen's oversight and accountability ("the Ordinance"); and

WHEREAS, Chapter 25, Article 2, Division 2 of the Escondido Municipal Code establishes a one-cent transactions and use tax for 20 years, to be administered by the State Board of Equalization (the "Sales Tax"); and

WHEREAS, Ordinance No. 2024-08, attached hereto and incorporated herein as Exhibit "A," would implement the Sales Tax which, if approved by voters, would take effect no later than April 1, 2025; and

WHEREAS, the City Council is authorized by statute to submit the Ordinance to the voters; and

WHEREAS, in accordance with State elections law, the City Council has called a General Municipal Election to be held in the City of Escondido, California, on Tuesday, November 5, 2024; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date; that the City precincts, polling places and election officers of the two elections be the same; that the Registrar of Voters canvass the returns of the General Municipal Election; and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. All of the foregoing recitals are true.
2. That pursuant to the requirements of the laws of the State of California, there shall be and there is hereby called and ordered to be held in the City of Escondido, California, on Tuesday, November 5, 2024, a General Municipal Election for the purpose of submitting the following proposed Ordinance imposing a general transactions and use (sales) tax to the qualified electors of the City of Escondido.
3. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election on November 5, 2024, the following question:

<i>To provide funding for essential services in Escondido, such as providing public safety; addressing homelessness; improving streets, sidewalks and infrastructure; increasing police, fire and paramedic services; reducing traffic congestion; and maintaining parks, trails and open space, shall the Escondido Community Investment Measure establishing a local one-cent sales tax providing approximately twenty-eight million dollars annually for twenty years be adopted, for general government use, with independent audits, citizen oversight, and all money staying in Escondido?</i>	Yes
	No

4. That the text of the Ordinance submitted to the voters is attached as Exhibit "A" and incorporated into this Resolution by this reference.
5. That the notice of the time and place of holding the election is given and the City Clerk of the City of Escondido ("City Clerk") is authorized, instructed and directed to give such further or additional notice of the election, in time, form and manner as required by law.
6. Pursuant to California Elections Code section 9282, the City Council hereby acknowledges its authority, and the authority of any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, to submit a written argument, not to exceed 300 words, for or against the measure. Arguments must be submitted to the City Clerk, and may be changed until and including the date fixed by the City Clerk, after which no arguments for or against the measure may be submitted, withdrawn or changed.
7. Pursuant to California Elections Code section 9285, rebuttal arguments will be allowed. The rebuttal arguments may not exceed 250 words. Rebuttal arguments must be submitted to the City Clerk, and may be changed until and including the date fixed by the City Clerk, after which no rebuttal arguments for or against the measure may be submitted to the City Clerk. Thus, this Section 7 is applicable only to the November 5, 2024 election called by this Resolution and after that election, shall expire.
8. Pursuant to California Elections Code section 9280, the City Clerk is directed to transmit a copy of the measure to the City Attorney of the City of Escondido ("City Attorney"). The City Attorney is directed to prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk by the date fixed by the City Clerk.

9. Pursuant to California Elections Code section 10403, the Board of Supervisors of the County of San Diego is hereby requested to permit the Registrar of Voters to perform and render all services and proceedings, and to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment and paraphernalia incidental to and connected with the conduct of the subject election of the City of Escondido, with the cooperation and assistance of the City Clerk, in order to properly and lawfully conduct such election.
10. The Board of Supervisors of the County of San Diego is hereby requested to consolidate this election with the statewide election to be held on the same day, in the same territory. Pursuant to California Elections Code section 10411 and section 10418: (a) the election shall be held in all respects as if there were only one election; (b) only one form of ballot shall be used; and (c) the Registrar of Voters of the County of San Diego shall canvass the returns of the subject election as part of the canvass of the returns of the election consolidated hereby.
11. Pursuant to California Elections Code sections 10410 and 10418, within the territories affected by this consolidation, the elections precincts, polling places, voting booths and polling hours shall, in every case, be the same, and there shall be only one set of election officers in each of the precincts.
12. The polls of said election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in California Elections Code section 14401 or as otherwise required or allowed under applicable law.
13. That the ballots to be used at the election shall be, both as to form and matter contained in form and content as required by law.
14. That the vote requirement for the measure to pass is a majority (50 percent plus one) of the votes cast.

15. The County of San Diego shall be reimbursed in full for the services performed by the Registrar of Voters for the City of Escondido upon presentation of a bill therefor, and this City agrees to indemnify and save free and harmless the County, its officers, agents and employees from expense or liability, including reasonable attorney's fees, as a result of an election contest arising from this election.
16. The City Council finds that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.
17. That in all particulars not otherwise recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.
18. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, improper or unenforceable, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.
19. The City Clerk is hereby directed to certify the passage and adoption of this resolution and forthwith file a certified copy of this Resolution with the Board of Supervisors and the Registrar of Voters of the County of San Diego and to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the election.