

RESOLUTION No. 2023-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY DECLARING A FISCAL EMERGENCY DUE TO LACK OF FUNDS FOR FIRE PERSONNEL AND LAND MANAGEMENT REQUIRED TO COMBAT WILDFIRES AND EXTREME WEATHER CONDITIONS

WHEREAS, the City Council desires to submit a general transactions and use tax ordinance for voter approval; and

WHEREAS, for the Council to call a special election on the proposed general sales tax for March 2024, it must declare the fiscal emergency and adopt the proposed resolution by a unanimous vote of the City Councilmembers present.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AS FOLLOWS:

1. **FISCAL EMERGENCY.** The Council finds that unless it takes urgent action by placing this general tax measure on the ballot at the March 5, 2024 special election, the Grass Valley Fire Department will lack the necessary funding for fire personnel and land management required to combat wildfires and extreme weather conditions and to fund other City services. Accordingly, the City Council hereby declares an emergency pursuant to the California Constitution, article XIII C, section 2, subdivision (b).

2. **CEQA.** The adoption 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”). The calling of a Special Municipal Election is not a project within the meaning of CEQA Guidelines section 15378, subsection (b)(4) [funding of unspecified projects] and section 15061, subsection (b)(3) [common sense exemption]. While some expenditures of the proceeds of the tax might have impacts on the environment, it would be unduly speculative to identify and evaluate those impacts now. That analysis will be more usefully done when the projects to be funded are selected and defined.

3. **CERTIFICATION.** The City Clerk of the City of Grass Valley shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

4. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Grass Valley hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that

any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

5. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption as a measure affecting an election.

PASSED AND ADOPTED by a unanimous vote of all members of the City Council of the City of Grass Valley present as required by California Constitution, article XIII C, section 2, subdivision (b) and by a two-thirds vote of all its members as required by Revenue & Taxation Code section 7285.9, on this October 16, 2023, by the following vote:

AYES: Councilmembers
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Jan Arbuckle, Mayor

ATTEST:

Taylor Day, City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney