

RESOLUTION NO. 22-9116

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ORDERING THE SUBMISSION OF A BALLOT MEASURE TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, REGARDING A BALLOT MEASURE KNOWN AS THE 'CITY OF SANTA CLARA NO TAX INCREASE/ SERVICES PROTECTION MEASURE' — THAT, IF PASSED, WOULD AMEND SECTION 1320 OF THE SANTA CLARA CITY CHARTER; CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SANTA CLARA ON TUESDAY, NOVEMBER 8, 2022, FOR A VOTE ON SAID BALLOT MEASURE; REQUESTING CONSOLIDATION WITH THE GUBERNATORIAL GENERAL ELECTION AND ELECTION SERVICES FROM SANTA CLARA COUNTY; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND SETTING PRIORITIES FOR BALLOT ARGUMENTS

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, City of Santa Clara wishes to maintain critical services that address our community's urgent priorities such as public safety, clean and safe streets, COVID-19 response, street and sidewalk repair, and flood protection;

**WHEREAS**, the measure as written would enact an administrative change that allows the city to retain community priorities without increasing taxes;

**WHEREAS**, by law this measure will require audits and oversight. All funds must be spent locally and cannot be taken by the state;

**WHEREAS**, the next Gubernatorial General Election will be held November 8, 2022;

**WHEREAS**, the City Council intends to submit a ballot measure and ballot question, reaffirming the City's utility tax transfer, as described in this Resolution, to the qualified electors of the City of Santa Clara at such election;

**WHEREAS**, proceeds from the utility tax transfer imposed by this Charter amendment shall be deposited in the general fund of the City and shall be available for any legal purpose;

**WHEREAS**, pursuant to the requirements of the City Charter there is called and ordered to be held in the City of Santa Clara, California, on Tuesday, November 8, 2022, a special municipal election placing on the ballot one measure that, if passed, would amend City Charter Section 1320; and,

**WHEREAS**, in the course of conducting a special municipal election on November 8, 2022, it is desirable that such special municipal election be consolidated with the general election, pursuant to Santa Clara City Charter section 600.02, to be held on the same date as if there were only one election. It is also necessary for the City to request services of the County as set forth in this resolution.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

1. **SPECIAL ELECTION.** That pursuant to the requirements of the City Charter, there is called and ordered to be held in the City of Santa Clara, California, on Tuesday, November 8, 2022, a special municipal election placing one measure on the ballot that, if passed, would amend City Charter Section 1320 to update the Utility Fund transfer language.
2. **BALLOT QUESTION.** That the ballot question shall read as follows:

<b>CITY OF SANTA CLARA NO TAX INCREASE/ SERVICES PROTECTION MEASURE</b>	
<b>City of Santa Clara No Tax Increase/ Services Protection Measure.</b> To protect essential services without raising taxes, such as 9-1-1 response; police patrols, fire protection; street/storm drain repair, and maintaining reliable local utility service; shall Section 1320 of the Charter continuing the annual budget transfer of funds from City utilities to the general fund at 5% of gross receipts until ended by voters, generating approximately \$30,000,000 annually, with independent audits, all funds local, be reaffirmed/adopted?	Yes
	No

3. **MEASURE.** That the measure read as set forth on Exhibit A (attached hereto and incorporated herein by reference, with additions to and deletions from the current text indicated thereon) which, if passed by the voters, shall amend the Charter of the City of Santa Clara.
4. **NOTICE OF ELECTION.** That in accordance with the City Charter and applicable state law, the City Clerk is hereby authorized and directed on behalf of the City Council to cause notice of the time and place of the holding of the election to be published once in a newspaper of general circulation, printed, published, and circulated in the City of Santa Clara, and hereby designated for that purpose by the City Council of Santa Clara. Furthermore, the City Clerk hereby is authorized,

instructed and directed to coordinate with the County of Santa Clara Registrar of Voters to procure and furnish any and all official ballot, notices, printer matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

5. CONSOLIDATION REQUEST. Pursuant to the requirement of Part 3 (Consolidation of Elections; Section 10400 et seq) of Division 10 of the Elections Code, the City Council hereby requests the Board of Supervisors of the County of Santa Clara to consolidate the special municipal election with the Gubernatorial general election on November 8, 2022, and to further provide that, upon consolidation, the consolidated election shall be held and conducted in all respects as if there were only one election, and only one form of ballot shall be used, election officers appointed, voting precincts designated, ballot printed, pools opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by the Registrar of Voters of the County of Santa Clara in accordance with the provisions of applicable laws regulating consolidating elections. This City Council requests and consents to such consolidation.

6. REQUEST FOR COUNTY SERVICES. Pursuant to Section 10002 of the California Elections Code, the City Council hereby requests the Board of Supervisors of the County of Santa Clara to permit the Registrar of Voters to render services to the City of Santa Clara relating to the conduct of Santa Clara's special municipal election to be held on Tuesday, November 8, 2022. Services shall be of the type normally performed by the Registrar of Voters in assisting the clerks of municipalities in the conduct of elections.

7. ELECTION COSTS. Subject to the approval of the Board of Supervisors of the foregoing requests, the City Clerk is hereby authorized to engage the services of the Registrar of Voters of the County of Santa Clara to aid in the conduct of the election. The City Director of Finance is authorized and directed to pay the costs of services, provided that no payment shall be made for services which the Registrar of Voters is otherwise required by law to perform.

8. BALLOT AND REBUTTAL ARGUMENTS FOR MEASURE. Primary and rebuttal arguments for the measure may be filed consistent with Elections Code Section 9282, et seq.

9. ARGUMENT IN FAVOR OF MEASURE. The Council hereby selects the following course of action regarding argument in favor of the measure:

A. Authorizes the City Council as a body to submit a written argument in favor of the measure and in the event an argument is filed for the measure, a rebuttal argument.

B. Authorizes 3 of members of the City Council to submit a written argument in favor of the measure: Councilmembers Raj Chahal, Karen Hardy, and Suds Jain, at Councilmembers Raj Chahal, Karen Hardy, and Suds Jain discretion, the argument may also be signed by other members of the City Council, bona fide associations or individual voters who are eligible to vote on the measure. In the event that an argument is filed for the measure, Councilmembers Raj Chahal, Karen Hardy, and Suds Jain are also authorized to submit a rebuttal argument on behalf of the City Council, which, at Councilmembers Raj Chahal, Karen Hardy, and Suds Jain discretion, may also be signed by members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. Signatures on the rebuttal argument may be different from those who signed the primary argument.

10. IMPARTIAL ANALYSIS. Pursuant to Elections Code Section 9280, the City Council hereby directs the City Attorney to prepare an impartial analysis of the measure.

11. TRANSMITTAL OF RESOLUTION. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Registrar of Voters.

12. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Sections 15378(b)(4) and 15378(b)(5) that this resolution is exempt from the requirements of the California Environmental QUALITY Act (CEQA) in that it involves fiscal and administrative activities that will not result in a potentially significant impact on the environment.

13. That in all particulars not recited in this resolution, the special municipal election shall be held and conducted as provided by law for holding municipal elections.

14. That this resolution provides notice of the time and place for holding the general municipal election and the City Clerk is authorized, instructed and directed to give further or additional notice of the general municipal election in time, form and manner as required by law.

15. That the proposed measure shall not take effect unless and until approved by a vote of at least 50% plus one of the voters voting on the question at the election.

16. Effective date: This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 5<sup>TH</sup> DAY OF JULY, 2022 BY THE FOLLOWING VOTE:

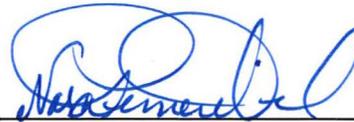
AYES: COUNCILORS: Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachment: Exhibit A - Amendment to Santa Clara City Charter section 1320

## EXHIBIT A

**The Charter of the City of Santa Clara shall be amended as follows:**

**Section 1320** of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

**Sec. 1320 Utilities fund.**

Receipts from the utilities operated by the City shall be paid into the City Treasury and maintained in a separate utilities fund for such utilities. Expenditures from such fund shall be made for the following purposes only for such utilities in the order named, viz.:

- (a) For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the City or the City Council may establish;
- (b) For repairs and maintenance;
- (c) For the payment of interest and sinking funds on bonds issued for acquisition, construction or extensions;
- (d) For the payment of ~~not to exceed~~ five per cent of the gross receipts from such utilities to the general fund of the City ~~in payment for services rendered~~; subject, however, to such limitations as may be contained in any resolution or indenture heretofore adopted providing for the issuance of revenue bonds for the acquisition, construction or improvement of such utilities, which bonds are now outstanding or may hereafter be issued under such existing resolution or indenture;
- (e) For extensions and improvements;
- (f) For the establishment of a sinking fund within the utilities fund for the replacement of utilities property in the minimum amount of two million five hundred thousand dollars (\$2,500,000.00).

The City Council shall cause records to be kept of the receipts and expenditures of each utility and of credits and debits of each utility in the aforementioned utilities fund. The City Council may, however, order expenditures from the utilities fund for any utility even though that utility has no credit in the utilities fund, provided only that the balance in the utilities fund is greater than the proposed expenditure.