

04-0595

Resolution No. _____

STOCKTON CITY COUNCIL

RESOLUTION SUBMITTING TO THE CITY OF STOCKTON'S QUALIFIED VOTERS AT THE GENERAL MUNICIPAL ELECTION A MEASURE SEEKING VOTER APPROVAL OF A SPECIAL TRANSACTIONS AND USE TAX OF ONE-QUARTER OF ONE PERCENT FOR THE PROVISION OF POLICE AND FIRE PROTECTION SERVICES; ESTABLISHING POLICIES AND GUIDELINES IN CONNECTION WITH THE IMPLEMENTATION OF THE MEASURE; REQUESTING THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS TO DIRECT THE COUNTY REGISTRAR OF VOTER TO CONDUCT THE ELECTION, WHICH SHALL BE CONSOLIDATED WITH THE ESTABLISHED ELECTION ON NOVEMBER 2, 2004; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AUTHORIZING ARGUMENTS AND THE FILING OF REBUTTAL ARGUMENTS FOR OR AGAINST THE MEASURE; AUTHORIZING THE CITY MANAGER TO APPROPRIATE THE FUNDS NECESSARY TO PAY THE CITY'S COST OF PLACING THE MEASURE ON THE ELECTION BALLOT; AND DIRECTING THE CITY CLERK TO TAKE STEPS NECESSARY TO PLACE THE MEASURE ON THE BALLOT AND TO CAUSE THE MEASURE OR ORDINANCE TO BE PRINTED.

WHEREAS, the City Council held a noticed public hearing on August 3, 2004, to consider calling a municipal election to seek voter approval of a proposed special sales tax to pay for police and fire protection services, as authorized by Revenue and Taxation Code section 7285.91; and

WHEREAS, the ratio of police officers to residents in Stockton is one of the lowest in the region including nearby cities such as San Jose, Sacramento, and Fresno. We need more officers on the streets to make Stockton safer; and

WHEREAS, preventing gang and drug related crimes is essential to creating safe neighborhoods in Stockton; and

WHEREAS, expanding neighborhood based policing will help make schools and parks safer; and

WHEREAS, the numbers tell the story. The number of calls answered by firefighters has grown by more than 600 percent over the past 25 years yet the fire department hasn't added personnel in that period. Stockton's firefighters answer twice as many calls as firefighters in other California cities. It makes sense to add more firefighters now; and

WHEREAS, it is important to ensure firefighters and paramedics are able to respond and react quickly to save lives in our community; and

WHEREAS, after holding the August 3, 2004, hearing, the City Council concluded that additional funding is necessary to maintain police and fire protection services; and

City Atty: 
 Review _____
 Date August 3, 2004

WHEREAS, the tax to be submitted to the voters, if approved, would be imposed on retail transactions. The tax rate would be one-quarter of one percent (0.25%) of the value of the property. The tax revenue would be collected by the State Board of Equalization and remitted to the City. The tax shall be approved if at least two-thirds of the votes cast on the measure are affirmative. Proceeds from the tax could be used only to pay for police and fire protection services and related equipment and capital needs in accordance with an expenditure plan and program guidelines, as approved by the Council; and

WHEREAS, Elections Code Sections 9219 and 9282 set forth the procedures for arguments in favor of or in opposition of any City measure; and

WHEREAS, Elections Code Sections 9220 and 9285 set forth the procedures for rebuttal arguments; and

WHEREAS, based on all of the information presented at the August 3, 2004 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 BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

Section 1. Pursuant to Elections Code Section 9222, the City Council of the City of Stockton hereby calls an election at which it shall submit to the qualified voters of the City of Stockton, a measure that, if approved, would adopt a special transactions and use tax to fund police and fire protection services, as authorized by Revenue and Taxation Code section 7285.91. This measure shall be designated by letter by the San Joaquin 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 November 2, 2004.

Section 2. The ballot language for the proposed measure shall be as follows:

MEASURE : THE STOCKTON, SAFE NEIGHBORHOOD GANG AND DRUG PREVENTION, POLICE/FIRE RESPONSE MEASURE.		
To prevent/reduce gang and drug-related crimes; improve the responsiveness of hazardous material/bomb squads; expand neighborhood-based policing with foot and bike patrols; provide additional firefighters, paramedics, police, and school resource officers; increase patrols around school and parks; and improve police/firefighter training, shall the City of Stockton enact a one-quarter cent sales tax with a citizen's oversight committee and independent annual financial audit?	YES	
	NO	

Section 3. The ordinance authorizing the special tax to be approved by the voters pursuant to Section 2 is as set forth in Attachment 1. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City at the November 2, 2004 election, as required by Revenue and Taxation Code section 7285.91, subject to the approval of the voters at the election called by the adoption of this resolution.

Section 4. The City Council hereby approves and adopts proposed Program Guidelines and a Five-Year Expenditure Plan, as set forth in Attachment 2, to be used in connection with the implementation of the ordinance, if said ordinance is approved by the voters.

Section 5. The City Clerk is hereby directed to cause notice of the measure to be published once in The Record, the official newspaper of the City of Stockton, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

Section 6. (a) An election on the measure set forth in Section 2 shall be held in the City of Stockton on Tuesday, November 2, 2004. The City Council requests that the Board of Supervisors of San Joaquin County consolidate the election on the measure with the established election on the same day. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of San Joaquin County and the Registrar of Voters of San Joaquin County on or before August 6, 2004.

(b) The election on the measure set forth in Section 2 shall be held and conducted, the votes canvassed and the returns made, and the results ascertained and determined as provided for herein. In all particulars not prescribed in this resolution, the election shall be held as prescribed in the Charter of the City. In all particulars not provided for in the Charter, the election shall be held as provided by law for the holding of primary municipal elections in the City of Stockton, and otherwise in accordance with the Elections Code of the State of California.

(c) The election for the measure set forth in Section 2 shall be held in San Joaquin County in the City of Stockton on November 2, 2004, as required by law, and the Board of Supervisors of the County of San Joaquin is authorized to canvas the returns of that election with respect to the votes cast in the City of Stockton and certify the results to the City Council of the City of Stockton.

(d) At the next regular meeting of the City Council of the City of Stockton occurring after the returns of the election for the measure set forth in Section 2 have been canvassed and the certification of the results to the City Council, the City Council shall cause to be entered in its minutes a statement of the results of the election.

Section 7. (a) The last day for submission of direct arguments for or against the measure shall be by 5:00 p.m. on August 13, 2004.

(b) The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on August 23, 2004.

(c) Direct arguments shall not exceed three hundred words and shall be signed by not more than five persons.

(d) Rebuttal arguments shall not exceed two hundred fifty words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the direct arguments.

(e) The City Attorney shall prepare an impartial analysis of the measure, not to exceed five hundred words, showing the effect of the measure.

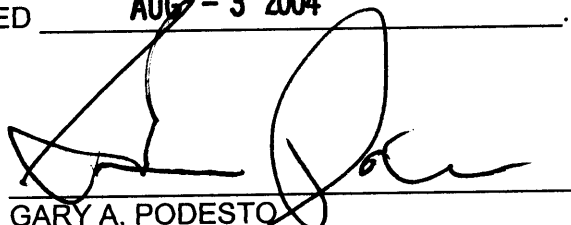
(f) The City Manager, or his designee, is hereby authorized to prepare a written argument in favor of the proposed ordinance, not to exceed 300 words, on behalf of the City Council. The argument may also be signed by bona fide associations or by individual voters who are eligible to vote.

(g) Pursuant to Section 9285 of the California Elections Code, when the City Clerk has selected the arguments for and against the Measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument, which it seeks to rebut.

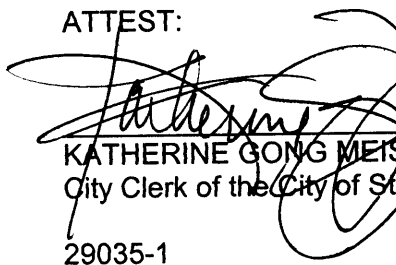
Section 8. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City's cost of placing the Measure on the election ballot.

Section 9. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause the Ordinance or Measure to be printed. A copy of the Ordinance or Measure shall be made available to any voter upon request.

PASSED, APPROVED and ADOPTED AUG - 3 2004


 GARY A. PODESTO
 Mayor of the City of Stockton

ATTEST:


 KATHERINE GONG MEISNER
 City Clerk of the City of Stockton



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