

RESOLUTION NO. 078-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARTINEZ, CALIFORNIA, CALLING FOR AND PROVIDING FOR AND GIVING NOTICE OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF MARTINEZ, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ON NOVEMBER 8, 2016 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS TO BE VOTED ON AT SAID ELECTION, A BALLOT MEASURE SEEKING VOTER APPROVAL OF A ONE-HALF PERCENT TRANSACTIONS AND USE TAX FOR ROAD IMPROVEMENT AND MAINTENANCE, PROVIDING FOR THE CITY COUNCIL AND/OR A SUBCOMMITTEE THEREOF TO SUBMIT DIRECT AND REBUTTAL ARGUMENTS RELATING THERETO, AND REQUESTING SERVICES OF THE COUNTY ELECTIONS DEPARTMENT RELATING TO THE CONDUCT OF SAID ELECTION

WHEREAS, the City of Martinez, California ("City") street system consists of approximately 121.6 miles of streets composed of 938 pavement sections. Based on a 2015 assessment of the overall condition of the City's street network the City's streets are at a Pavement Condition Index (PCI) of 51. A Metropolitan Transportation Commission report places the City within the bottom of the "At Risk" category relating to street condition; and

WHEREAS, the City relies on a variety of funding sources to support its pavement program which includes State Gas Tax revenues and paving grants. State Gas Tax revenue has been declining steadily over the last several years and is expected to continue to decline due to a variety of factors including the increase in the use of more fuel efficient and alternative fuel vehicles. There is a limited availability of grant funding for paving projects and grant funding usually has many projects competing for the limited dollars available. The City's projected average annual funding level from recurring annual sources is approximately \$920,000; and

WHEREAS, pursuant to Parts 1.6 and 1.7 of Division 2 of the Revenue and Taxation Code, the City is authorized to impose a retail transactions and use tax in the incorporated territory of the City for general purposes at a rate of 0.125% (or any multiple thereof); and

WHEREAS, pursuant to California Constitution article XIII C, section 2(a) a special transactions and use tax may be imposed for the specific purpose of road Improvement and maintenance; and

WHEREAS, pursuant to Elections Code section 1301, the City's general municipal elections are held on the same day as the statewide general election in each even-numbered year, and the next regularly scheduled general municipal election for members of the City Council and the next statewide general election will be held on Tuesday, November 8, 2016; and

WHEREAS, the City Council desires to order an election on an Ordinance to impose a special transactions and use tax in the amount of one-half percent for road improvement and maintenance and to consolidate the election on said Ordinance with the general municipal election to be held on November 8, 2016, including the election of two City Council members, City Clerk and City Treasurer as set forth in Resolution 039-16.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARTINEZ, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings. The City Council finds that the foregoing recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

Section 2. Submission of Proposed Martinez Road Improvement and Maintenance Transactions and Use Tax Ordinance. Pursuant to Government Code section 53724, any other applicable requirements of State law, and as otherwise set forth herein, the City Council hereby orders the ordinance attached hereto as Exhibit A and by this reference incorporated herein and made operative part hereof, to be submitted to the qualified voters of the City at the general municipal election to be held on Tuesday, November 8, 2016. The type of tax and rate of the special transactions and use tax to be levied, the method of collection, the purpose for which its imposition is sought, and the tax expenditure plan are set forth in the Ordinance attached hereto as Exhibit A. The City Council approved the ordinance by a two-thirds vote of all members of the City Council. **The Ordinance shall become effective if two-thirds of the qualified voters of the City of Martinez voting on the ballot measure set forth in Section 3 below vote in favor of the ballot measure.**

Section 3. Ballot Measure. In addition to any other matters required by law, there shall be presented to the voters the question printed substantially as follows:

Measure ____:		
“MARTINEZ ROAD IMPROVEMENT AND MAINTENANCE MEASURE” To provide funding that stays in Martinez, to be used exclusively to improve and maintain the City’s roadways, shall an ordinance which imposes a temporary, half-cent transaction and use (sales) tax for 15 years, providing an estimated \$2.1 million annually, with citizens’ oversight and annual audits, be adopted?	YES	
	NO	

Section 4. Consolidation and Conduct of Election.

- a. Pursuant to California Elections Code section 10400 and following, the City Council hereby requests that the Board of Supervisors of the County of Contra Costa consent to the consolidate of the election for the Ordinance with the statewide General Election to be held on Tuesday, November 8, 2016 and the City Council, City Clerk and City Treasurer election as set forth in Resolution 039-16.

The consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, certificates of election issued, and all other proceedings incidental to and connected with the election shall be regulated and done by Contra Costa County in accordance with the provisions of law regulating the regularly scheduled statewide General Election, including but not limited to, California Elections Code section 10418.

- b. The Board of Supervisors is requested to issue instructions to the Contra Costa County elections official to take any and all steps necessary for the holding of the consolidated election, including canvassing the returns of that election with respect to the votes cast in the City and certifying the results to the City Council.
- c. The City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for all costs.
- d. The City Clerk is hereby authorized and directed to cooperate with the Contra Costa County elections official and to follow the procedures and meet all deadlines established by Contra Costa County.

Section 5. Arguments and Analysis.

- a. Pursuant to article 4, chapter 3, division 9 of the California Elections Code, the City Clerk shall fix and determine a reasonable date prior to the election for the submission to the City Clerk of an argument in favor of and against the ballot measure and additional rebuttal arguments. Direct arguments shall not exceed 300 words and shall be printed with the signatures of no more than five persons. Rebuttal arguments shall not exceed 250 words and shall not be signed by more than five persons.
- b. Pursuant to California Elections Code section 9285, 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 ballot measure to the authors, if any, of the arguments against, and copies of the argument against the ballot measures to the authors, if any, of the arguments in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument it seeks to rebut.
- c. Pursuant to California Elections Code section 9280, the City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall not exceed 500 words.
- d. The City Council hereby designates the City Council and/or Mayor Rob Schroder and Councilmember Lara DeLaney to prepare and file an argument and rebuttal argument on behalf of the City Council.

Section 6. **Placement on Ballot.** The City Clerk is hereby authorized and directed to take all steps necessary to place the ballot measure on the ballot and to cause the ballot measure to be printed and shall act as the filing authority for arguments. The full text of the ballot measure shall be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section 9280 of the Elections Code, advising voters that they may obtain a copy of this Resolution, the ballot ordinance and/or ballot measure, at no cost upon request made to the City Clerk.

Section 7. **Notice and Publication of Ballot Measure.**

- a. The City Clerk shall, not later than the 88th day prior to the election to be held on Tuesday, November 8, 2016, file with the Contra Costa County Board of Supervisors and the Contra Costa County elections official a certified copy of this Resolution.
- b. The City Clerk is authorized and directed to give such notice of the measure and of the time and place of the election pursuant to California Elections Code section 12101 – 12113 and any additional notice required by law.

Section 8. **Public Examination.** Pursuant to California Elections Code section 9295, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. The examination period will end on the day that is 72 days prior to the date set for the election. The City Clerk shall post notice in the City Clerk’s office of the specific dates that the examination period will run.

Section 9. **CEQA.** The approval of this Resolution is exempt from the California Environmental Quality Act (“CEQA”). The transactions and use tax to be submitted to the voters is a special tax to be used for road improvement and maintenance; the identification of the specific projects will be subject to a public process to determine the specific projects to be funded by the tax; the submission and approval of the Ordinance is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because, as the tax is merely “the creation of a government funding mechanism or other fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.” (Cal. Code Regs., tit. 14, § 15378, subd. (b)(4).)

Section 10. **Severability.** If any provision or clause of this Resolution, the measure proposed by the Resolution, or any application of any of the foregoing to any person or circumstance is held invalid, unconstitutional, or otherwise repealed by act of law, such invalidity shall not affect any other provisions or clauses of the same, which can be given effect without the invalid provision, clause, or application. To this end, the provisions and clauses of this Resolution and the proposed measure are hereby declared to be severable.

Section 11. **Effective Date.** This Resolution shall take effect immediately on its adoption.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Martinez passed, approved, and adopts the attached.


* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 3rd day of August, 2016, by the following vote:

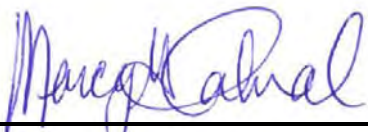
AYES: Councilmembers Lara DeLaney, Mark Ross, Vice Mayor AnaMarie Avila Farias, and Mayor Rob Schroder

NOES: None

ABSENT: Debbie McKillop, Councilmember


RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

ATTEST:



Mercy G. Cabral, Deputy City Clerk