

RESOLUTION NO. 16-7655

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY RELATING TO ARGUMENTS FOR AND AGAINST THE MEASURE LEVYING A TRANSACTIONS AND USE TAX AND AUTHORIZING CERTAIN COUNCILMEMBERS TO PREPARE THE PRIMARY WRITTEN ARGUMENT ON BEHALF OF THE CITY COUNCIL IN SUPPORT THEREOF; AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, City of Downey City Charter Section 1302 provides that all municipal elections shall be governed by state law except as otherwise provided in the City Charter or ordinance enacted by the City Council and not inconsistent with the City Charter; and

WHEREAS, on June 28, 2016, the City Council adopted a Resolution for the holding of a General Municipal Election for the purposes of submitting to the voters the question relating to the levy of a one-half of one percent transactions and use tax (the "Measure") to be held on the same date and at the same time as the Statewide General Election to be held on November 8, 2016 and a Resolution requesting the election be consolidated with Los Angeles County; and

WHEREAS, the City Council is submitting to the voters the question relating to the levy of a one-half of one percent transactions and use tax; and

WHEREAS, Article 4 of Chapter 3 of Division 9 of the California Elections Code (commencing with Section 9280) authorizing the City Council by majority vote to adopt requirements regarding the filing of written arguments for a city measure submitted at municipal elections; and

WHEREAS, Section 9282 of the California Elections Code provides for written arguments to be filed in favor or against city measures not to exceed 300 words in length; and

WHEREAS, Section 9280 of the California Elections Code provides that the City Council may direct the City's elections official to transmit a copy of the Measure to the city attorney for the preparation of an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the Measure.

WHEREAS, the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

<p><u>TRANSACTIONS AND USE TAX.</u> To maintain and improve city services including city-run police and fire departments, paramedic/9-1-1 emergency response, anti-gang/drug/crime programs, school safety, after-school and seniors programs; ensure fire engines and emergency vehicles have updated equipment; and repair streets/potholes; shall the ordinance to increase the sales tax by one-half of one percent, providing \$9,000,000 annually, to expire after 20 years, requiring audits, public disclosure of funds, and all funds only for Downey be adopted?</p>	YES NO
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**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES
HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. ARGUMENTS FOR THE MEASURE

Pursuant to California Elections Code Section 9282, subdivision (b), the City Council hereby authorizes the following Council Members to prepare and file the primary written argument on behalf of the City Council in support of the Measure:

1. _____
2. _____
3. _____
4. _____
5. _____

The argument shall not exceed 300 words, shall be accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code. The argument may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for the Measure may be submitted to the City Clerk.

The Council Members identified above shall file the argument to the City Clerk no later than **July 12, 2016**, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name accompanied by the Los Angeles County Registrar-Recorder/County Clerk Declaration By Author(s) of Arguments or Rebuttals form.

The City Council hereby further authorizes the Council Members identified above to determine the signatures of up to five (5) authors of the argument that shall appear therewith in accordance with California Elections Code Section 9283.

SECTION 2. ARGUMENTS AGAINST THE MEASURE

Pursuant to California Elections Code Section 9282, subdivision (b), any argument against the Measure shall not exceed 300 words be accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code. The argument shall contain the signatures of no more than five (5) authors in accordance with California Elections Code Section 9283. The argument may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments against the Measure may be submitted to the City Clerk. An argument against the Measure shall be filed with the City Clerk no later than **July 12, 2016**, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name accompanied by the Los Angeles County Registrar-Recorder/County Clerk Declaration By Author(s) of Arguments or Rebuttals form. If more than one argument against the Measure is received, the City Clerk shall select the argument for

printing and distribution to the voters giving preference and priority in accordance with California Elections Code Section 9287.

SECTION 3. IMPARTIAL ANALYSIS

That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected.

- a. The City Attorney shall prepare an impartial analysis of the Measure not exceeding 500 words showing the effect of the Measure on the existing law and the operation of the Measure. If the Measure affects the organization or salaries of the office of the City Attorney, the City Clerk shall prepare the impartial analysis.
- b. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the City.
- c. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following:

"The above statement is an impartial analysis of Measure _____. If you desire the measure, please call the election's official's office at (562) 904-7280 and a copy will be mailed at no cost to you."

- d. The impartial analysis shall be filed by **July 12, 2016**, the date set by the City Clerk for the filing of primary arguments.

SECTION 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 Downey 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.

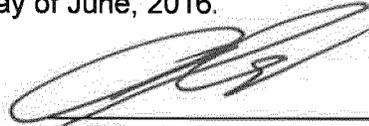
SECTION 5. EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption.

SECTION 6. CERTIFICATION

The City Clerk shall certify to the passage and adoption of this Resolution.

APPROVED AND ADOPTED this 28th day of June, 2016.



ALEX SAAB, Mayor

ATTEST:



ADRIA M. JIMENEZ, MMC
City Clerk

I **HEREBY CERTIFY** that the foregoing Resolution was adopted by the City Council of the City of Downey at a regular meeting held on the 28th day of June, 2016 by the following vote, to wit:

AYES: Council Members: Ashton, Brossmer, Marquez, Vasquez
NOES: Council Member: Mayor Saab
ABSENT: Council Member: None.
ABSTAIN: Council Member: None.



ADRIA M. JIMENEZ, MMC
City Clerk