

Agenda Item: ID 18-0902 (3:00 P.M.)

Date: 8/9/2018

# FRESNO CITY COUNCIL



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FRESNO CITY CLERK

## Supplemental Information Packet

Agenda Related Item(s) – File ID 18-0902

**Contents of Supplement: 2 Resolutions 2a and 2b regarding Parks Tax Initiative Measure\_Updated 8-6-2018.**

### **Item(s)**

Title: Actions pertaining to Fresno Clean and Safe Neighborhood Parks Tax Ordinance Initiative Measure.

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

#### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA ADOPTING THE FRESNO CLEAN AND SAFE NEIGHBORHOOD PARKS TAX ORDINANCE AND SUBMITTING THE MEASURE TO CITY VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018; REQUESTING THE COUNTY TO CONDUCT THE ELECTION; AND REQUESTING CONSOLIDATION OF THE ELECTION WITH ANY OTHER ELECTION HELD ON THAT DATE

WHEREAS, on July 18, 2018, the City Clerk (Elections Official) received an Initiative Petition proposing the Fresno Clean and Safe Neighborhood Parks Tax Initiative; and

WHEREAS, after a prima facie review by the City Clerk, the Initiative Petition was deemed filed on July 18, 2018; and

WHEREAS, the Fresno County Clerk/Registrar of Voters examined the petition signatures against the records of registration pursuant to Elections Code Sections 9114 and 9115, and submitted the findings of the verification process to the City Clerk; and

WHEREAS, the City Clerk has issued a Certificate of Sufficiency for the Initiative Petition as required under Elections Code Section 9115; and

WHEREAS, the Council has determined to adopt the ordinance, without alteration, pursuant to Elections Code Section 9215(a) and submit the ordinance to the City voters in compliance with the requirements of Proposition 218 and Elections Code Section 9215(b).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

Section 1. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The City Council hereby adopts the ordinance, subject to voter approval.

Section 3. There is called and ordered to be held in the City of Fresno, California, a General Municipal Election for Tuesday November 6, 2018, (the Election) for the purpose of submitting a ballot measure to the City voters.

Section 4. The question to be submitted to the voters with respect to the ballot measure shall be printed on the election ballot in the form set forth as follows:

<b>APPROVAL OF FRESNO CLEAN AND SAFE NEIGHBORHOOD PARKS TAX ORDINANCE.</b> Shall the measure imposing a 3/8 percent sales and use tax, estimated to generate \$37.5 million annually for 30 years – improving park safety; improving accessibility for persons with disabilities; updating and maintaining playgrounds and restrooms; providing youth and veteran job training; improving after school, arts and recreational programs; beautifying roadways; and creating parks and trails in neighborhoods without access – with citizen oversight, be adopted?	YES	
	NO	

Section 5. The following constitutes the synopsis of the measure to be voted on for purposes of meeting the publication requirements of Elections Code Section 12111:

#### **MEASURE TO BE VOTED ON**

Notice is hereby given that the following measure is to be voted on at the general municipal election to be held in the City of Fresno, on Tuesday, the 6th of November, 2018.

#### **APPROVAL OF FRESNO CLEAN AND SAFE NEIGHBORHOOD PARKS TAX ORDINANCE**

The proposed ordinance would impose a 3/8 percent sales and use tax within the City of Fresno for a period of 30 years, which is estimated to raise approximately \$37.5 million annually. Tax proceeds would be utilized to fund specific purposes, including: providing clean and safe neighborhood parks; reducing crime and homelessness in parks; updating and maintaining park bathrooms and playgrounds; reducing graffiti and vandalism in parks; maintaining and improving after-school, youth, and senior recreational programs; providing job training for at-risk youth and veterans; beautifying landscaping and removing weeds and litter along major roads and highways; creating parks in neighborhoods that don't have good park access, including soccer and sports fields; improving walking and biking access to parks and trails, including the San Joaquin River Parkway; and expanding access to local arts and cultural programs. The proposed initiative would also require the City of Fresno to create a new Parks, Recreation and Arts Commission to oversee and provide recommendations to the

Mayor and City Council related to expenditure of tax proceeds.

Section 6. The full text of the ordinance submitted to the voters is attached as Exhibit A. The full text of the measure is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text of the measure shall be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Office of the Fresno City Clerk.

Section 7. The City of Fresno requests that the Fresno County Clerk/Registrar of Voters conduct the Election and canvass the returns, and the City consents to reimburse the Registrar of Voters for all costs incurred by said services. Pursuant to Section 10400 et seq. of the Elections Code, the Board of Supervisors of Fresno County is requested to consolidate the Election with other elections held on the same day in the same territory or in the territory that is in part the same.

Section 8. In all particulars not recited in this resolution, the Election shall be held and conducted as provided by law for holding municipal elections.

Section 9. Arguments in favor or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar in accordance with Elections Code Section 9282. Councilmembers voting in the majority for this resolution and the Mayor are authorized, but not required, to file arguments in favor of the proposed measure. They are also authorized to provide input to the Fresno County Clerk/Registrar in determining a letter designation for this measure. Rebuttal arguments shall be permitted pursuant to applicable law.

Section 10. Passage of this measure requires approval by two-thirds (2/3) vote, unless otherwise required by law.

Section 11. The Fresno County Clerk/Registrar of Voters shall give the appropriate notices for the Election and shall conduct the Election pursuant to appropriate provisions of state law.

Section 12. The City Attorney shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280 and file with the Fresno County Clerk/Registrar of Voters.

Section 13. The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters by August 10, 2018, to ensure the requisite timeframes for holding the special election as required by applicable law.

Section 14. The City Clerk and the City Attorney are authorized to make any typographical, clerical, non-substantive corrections to this resolution as may be deemed necessary by the Fresno County Clerk/Registrar of Voters.

Section 15. This Resolution shall be effective immediately upon adoption.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2018  
Mayor Approval/No Return: \_\_\_\_\_, 2018  
Mayor Veto: \_\_\_\_\_, 2018  
Council Override Vote: \_\_\_\_\_, 2018

YVONNE SPENCE, MMC  
City Clerk

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Raj Singh Badhesha Date  
Senior Deputy City Attorney

Attachment: Exhibit A – Fresno Clean and Safe Neighborhood Parks Tax Ordinance