

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, IN SUPPORT OF MEASURE P
PASSING BY SIMPLE MAJORITY VOTE

WHEREAS, in early 2018, Fresno residents circulated an initiative petition seeking to place the “Fresno Clean and Safe Neighborhood Parks Tax Ordinance” on the ballot; and

WHEREAS, Measure P proposed to authorize the City to collect a 3/8 percent sales tax, estimated to generate \$37.5 million annually for 30 years, to be spent primarily on parks; and

WHEREAS, the proponents received the required number of signatures, and on August 9, 2018, the Council exercised its mandatory and ministerial duty to place the measure on the November 6, 2018, ballot via Resolution No. 2018-188; and

WHEREAS, Measure P was certified to have received 52.17% affirmative votes; and

WHEREAS, at the time election results were certified, no court had yet held that a voter-initiated special tax requires only a simple majority to pass; and

WHEREAS, the Council therefore declared Measure P failed for failure to receive a 2/3 majority vote; and

WHEREAS, litigation subsequently ensued, in which the City took a neutral position; and

WHEREAS, the trial court declared Measure P required a 2/3 vote threshold to pass, but the appellate court reversed that decision in December 2020, finding voter-

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: _____

Resolution No. _____

initiated special taxes require only a simple majority to pass, and remanding the decision back to the trial court.

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

1. The City Council hereby finds, determines, and declares that Measure P, regarding a proposed Fresno Clean and Safe Neighborhood Parks Tax Ordinance, received a majority of the votes cast citywide at the November 6, 2018 election. It is the Council's position that Measure P therefore passed, and this is consistent with the appellate court finding that Measure P only required a simple majority vote to pass.

2. The City is hereby authorized and directed to take such further action necessary to carry out the purposes of this resolution, including returning to Council with an official certification of election results declaring Measure P passed.

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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 _____ 2021.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Katie Doerr Date
Chief Assistant City Attorney