

RESOLUTION NO. 2016-113

**A RESOLUTION CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL
ELECTION,
FOR THE ELECTION OF CERTAIN OFFICERS
AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF
CALIFORNIA RELATING TO GENERAL LAW CITIES,
AND FOR THE SUBMISSION TO THE VOTERS OF A QUESTION
RELATING TO AN ESSENTIAL CITY SERVICES NO TAX INCREASE
CONTINUATION MEASURE, AND
REQUESTING THE SAN BENITO COUNTY REGISTRAR OF VOTERS
TO CONDUCT THE ELECTION,
AND REQUESTING CONSOLIDATION OF THE ELECTION**

WHEREAS, the City of Hollister has become safer in the last few years and the City would like to continue to help keep neighborhoods safe; and

WHEREAS, this funding was enacted as a continuation several years ago and has provided the resources for Hollister to provide key services like public safety; and

WHEREAS, continued funding is needed to prevent cuts and maintain Hollister's public safety services such as maintaining operations at all current Hollister fire stations, maintaining rapid 9-1-1 emergency response times, attracting and retaining qualified firefighters and police officers, and preventing cuts to youth, gang and drug prevention and intervention programs; and

WHEREAS, the City is committed to maintaining the quality of life in the City of Hollister by: maintaining water conservation programs, maintaining youth programs at City parks and recreation centers, and supporting programs to retain, expand, and attract business to Hollister; and

WHEREAS, Hollister's roads are in need of maintenance and repaving, residents commute to work and need to have safe roads to drive; and

WHEREAS, it will cost less to repair and maintain streets and roads now as opposed to the future; and

WHEREAS, Hollister is committed to continue to provide rapid 9-1-1 emergency response times to help people suffering from medical emergencies to receive the immediate paramedic care they need to increase their chances for survival; and

WHEREAS, it is a priority for the City Council to maintain Hollister as a community where people desire to live and raise families; and

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ON FILE IN THE
OFFICE OF THE CITY CLERK
CITY OF HOLLISTER**

WHEREAS, a loss of funding would result in cuts to basic public safety services reducing police and firefighter positions, closing a fire station and making cuts to senior programs and maintenance of local roads and parks; and

WHEREAS, the proposed revenue measure continuation includes strict accountability requirements including independent audits and annual reports to the community to ensure that all funds are spent as promised. Funds stay entirely in Hollister and cannot be taken by the State; and

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the city shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on Tuesday, November 8, 2016.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE governing body of the City of Hollister hereby orders a ballot election be called and consolidated with any and all elections also called to be held on Tuesday, November 8, 2016 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the requests the Board of Supervisors of the County of San Benito to order such consolidation under Elections Code Section 10400 and 10403.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code Section 10002 said governing body hereby requests the Board of Supervisors to permit the San Benito County Elections Department to provide any and all services necessary for conducting a general ballot election and agrees to pay for said services in full, and

BE IT FURTHER RESOLVED AND ORDERED that San Benito County Elections Department shall conduct the election for the following **MEASURE** to be voted on at the Tuesday, November 8, 2016 election:

HOLLISTER NO TAX INCREASE PUBLIC SAFETY/ ESSENTIAL CITY SERVICES CONTINUATION MEASURE. To keep Hollister safe by: maintaining Hollister's public safety services, rapid 9-1-1 emergency response times, operations at all current fire stations, neighborhood police patrols, parks/recreation programs and other City services, shall the City of Hollister continue the existing voter-approved one-cent sales tax for 20 years providing \$4,500,000 annually, requiring citizens' oversight, annual audits, all funds for Hollister, with no increase in tax rate?	YES
	NO

BE IT FURTHER RESOLVED AND ORDERED THAT San Benito County Elections Department is requested to:

Print the attached full measure text exactly as filed or indicated on the filed document in the Voter Guide for the Tuesday, November 8, 2016 election. Cost of printing and distribution of the measure text will be paid for by the city.

In addition, the full text will be available at the following web site address:
<http://hollister.ca.gov/>

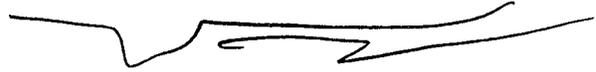
BE IT FURTHER RESOLVED AND ORDERED THAT voter approval requirement is majority.

PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 1st day of August, 2016, by the following vote:

AYES: Council Members Klauer, Gomez, Friend, Luna, and Mayor Velazquez.

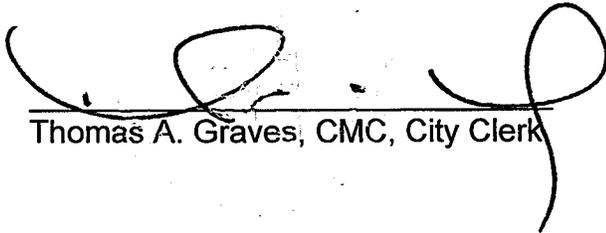
NOES: None.

ABSENT: None.



Ignacio Velazquez, Mayor

ATTEST:



Thomas A. Graves, CMC, City Clerk

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law



Bradley Sullivan, City Attorney

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EXHIBIT A

ORDINANCE NO. 1132

AN ORDINANCE OF THE CITY OF HOLLISTER EXTENDING THE ONE-CENT TRANSACTIONS AND USE TAX FOR GENERAL PURPOSES TO CONTINUE TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

WHEREAS, pursuant to California Revenue and Taxation Code Sections 7285.9 and 7290, the City of Hollister (the "City") has the authority to levy a Transactions and Use Tax for general purposes;

WHEREAS, a majority of the voters of the City approved a one-cent (1%) Transactions and Use Tax at an election held on November 6, 2007;

WHEREAS, a majority of the voters of the City thereafter extended the one-cent (1%) Transactions and Use Tax at an election held on November 6, 2012,

WHEREAS, the City's Transactions and Use Tax Ordinance (the "Ordinance") is found in Chapter 3.30 of Title 3 of the City's Municipal Code;

WHEREAS, Section 3.30.160 of the Ordinance sets forth a "Termination Date" of five years from the Operative Date of the Ordinance, or March 30, 2018, at which time the authority to levy the tax will expire unless an extension or re-authorization is approved by the voters of the City at an election called for that purpose; and

WHEREAS, an extension or re-authorization of the City's Transactions and Use Tax will be submitted to the voters on November 7, 2016, to extend the "Termination Date" of Section 3.30.160 to March 31, 2038.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF HOLLISTER ORDAIN AS FOLLOWS:

Section 1. Findings. The people of the City of Hollister hereby find as follows:

1. The sales and use tax commonly referred to as "Measure E" will sunset on March 30, 2018, resulting in a reduction of approximately four million five hundred thousand dollars (\$4,500,000) per year to the City's General Fund.
2. Approximately sixty-seven percent (67%) of the City's General Fund Budget is used for public safety (police, fire, and animal control services).

3. In order to offset the loss in "Measure E" revenue, the City adopted an austerity plan on March 19, 2012, to be implemented over three years to structurally balance the General Fund Budget.
4. Included in the austerity plan are severe reductions to City services including the elimination of 6 sworn police officers and 2 non-sworn police personnel, 7 sworn fire personnel, 2 animal control personnel, and 3 non-safety personnel.
5. Reductions in service will include elimination of the Detective Bureau in the Police Department, closure of the second Fire Station, reduction of animals held in the Animal Control Shelter to the minimum extent required by law, elimination of parks maintenance except to protect health and safety, and reduction in the number of recreation programs for youth and adults.

Section 2. Amendment of Code.

Section 3.30.030 entitled "Operative Date" is amended to replace the date "April 1, 2013" with the date "April 1, 2018."

Section 3.30.160 entitled "Termination Date" is replaced in its entirety with the following: "The authority to levy the tax imposed by this Chapter shall expire twenty (20) years from the Operative Date, or on March 31, 2038."

Section 3. Effective Date. This Ordinance, following its approval by a two-third (2/3) majority of the City Council and its publication, shall become effective upon the approval of the tax imposed hereunder by a majority of the voters of the City voting thereon at the election to be held on November 8, 2016. The "Operative Date" of the tax imposed hereunder shall be as provided in Section 3.30.030.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the ordinance and the application of such provision to other persons or other circumstances shall not be affected thereby. The voters of the City of Hollister hereby declare that they would have adopted each and every provision of this ordinance regardless of the invalidity of any other provision.

Section 5. Codification. Upon adoption of this ordinance pursuant to the voter approval referenced in Section 3, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this ordinance in the Hollister Municipal Code.

PASSED AND ADOPTED this 1st day of August, 2016, by a two-thirds vote of the City Council, by the following vote:

AYES: Council Members Klauer, Gomez, Friend, Luna, and Mayor Velazquez.

NOES: None.

ABSTAINED: None.

ABSENT: None.

Ignacio Velazquez, Mayor

ATTEST:

Thomas A. Graves, CMC, City Clerk

APPROVED AS TO FORM:

Bradley Sullivan, City Attorney