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RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON JUNE 5, 2018, TO VOTE ON A MEASURE TO CONTINUE THE UTILITY USER TAX FOR 5 ADDITIONAL YEARS IN ORDER TO MAINTAIN THE CURRENT LEVEL OF CITY SERVICES FOR THE RESIDENTS OF RIALTO; ORDERING THE SUBMITTAL OF THE MEASURE TO THE VOTERS AT THE SPECIAL MUNICIPAL ELECTION; REQUESTING THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2018, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE**

**WHEREAS**, in or about 2003, the voters of the City of Rialto approved by a simple majority for a term of 5 years the Utility Users Tax of 8% on telephone, cellular, electricity, gas, sewer, water and cable television utilities within the City of Rialto for the purpose of raising general fund revenue to provide basic services for residents, including but not limited to, law enforcement and fire protection services; and

**WHEREAS**, the voters of the City of Rialto approved extensions of the Utility Users Tax in 2008 and in 2013; and

**WHEREAS**, the term of the existing Utility Users Tax is set to expire on June 30, 2018; and

**WHEREAS**, extending the term of the Utility Users Tax requires approval of the majority of voters at either a general or special municipal election; and

**WHEREAS**, on \_\_\_\_\_, \_\_, 2018, the City Council unanimously adopted Resolution No. \_\_\_\_\_ declaring a fiscal emergency now exists in the City of Rialto, based upon facts and findings therein, as the term “emergency” is used in Article XIIC, Section 2(b) of the California Constitution; and

**WHEREAS**, the City Council is authorized and directed by statute to submit to the voters the ballot measure, and the City Council therefore wishes to have the voters consider the same at a special municipal election to be held on June 5, 2018; and

1           **NOW, THEREFORE,** the City Council of the City of Rialto does hereby resolve, declare,  
2 determine and order as follows:

3           **Section 1:**     The foregoing recitals are true and correct and are incorporated herein by  
4 reference.

5           **Section 2:**     Pursuant to Article XIII C, Section 2(b) of the California Constitution,  
6 Government Code Section 53724, and Elections Code Sections 306, 9222, and 1301 the City Council  
7 hereby calls a special municipal election on June 5, 2018, at which it shall submit to the qualified  
8 voters of the City of Rialto a measure, which if approved, will continue the City's Utility User Tax, a  
9 general tax. As required by Elections Code Section 13247, the abbreviated form of the measure to  
10 appear on the ballot is specified below. The City Clerk is hereby authorized and directed to make any  
11 changes to the text of the proposition or this resolution as required to conform to any requirements of  
12 law.

13           **Section 3:**     Pursuant to Government Code Section 53724, the measure, contained in the  
14 Ordinance attached hereto as Exhibit "A", proposes to amend the Utility User Tax Ordinance of the  
15 City of Rialto, codified as Chapter 3.16 of the Rialto Municipal Code, to continue the Utility User Tax  
16 for an additional 5 years. The type of tax proposed by the Ordinance is a general tax currently charged  
17 to utility users in the City of Rialto. The rate of tax to be levied by the Ordinance is 8%, which is the  
18 same rate now in effect. The tax on the affected utility users shall be collected by the City. The date  
19 upon which the election shall be held on the issue is June 5, 2018.

20           **Section 4:**     The City Council, pursuant to its right and authority, hereby orders that, at the  
21 Special Municipal Election on June 5, 2018, the ballot measure concerning the measure discussed  
22 above shall be presented and printed upon the ballot submitted to the qualified voters the following  
23 question:

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Shall the measure extending the existing 8% Utility User Tax on telephone, cellular, electricity, gas, sewer, water and cable television, by an additional five years to June 30, 2023, to raise approximately \$14 million annually, to continue basic and essential services for residents while preserving exemptions for senior citizens and members of low-income households, be adopted?	<b>YES</b>	
	<b>NO</b>	

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1           **Section 5:**     That the text of the Ordinance to be submitted to the voters is attached as  
2 Exhibit “A” to this resolution.

3           **Section 6:**     That the vote requirement for the measure to pass is a majority (50% +1) of the  
4 votes cast.

5           **Section 7:**     That pursuant to the requirements of Section 10403 of the Elections Code, the  
6 Board of Supervisors of the County of San Bernardino is hereby requested to consent and agree to the  
7 consolidation of a Special Municipal Election with the Statewide Primary election on Tuesday, June 5,  
8 2018.

9           **Section 8:**     That the City Clerk is authorized, instructed and directed to coordinate with the  
10 Registrar of Voters of the County of San Bernardino (“Registrar”) to procure and furnish any and all  
11 official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be  
12 necessary in order to properly and lawfully conduct the election; and, further that, pursuant to the  
13 consolidation request herein, the City of Rialto requests the Registrar to perform, and which such  
14 officer is hereby authorized and directed to perform, the following specified services: the preparation,  
15 printing and mailing of sample ballots and polling place cards; the establishment or appointment of  
16 precincts, polling places and election officers; the furnishing of ballots, voting booths and other  
17 necessary supplies or materials for polling places; and the performance of such other election services  
18 as may be requested by the City Clerk which may be necessary in order to properly and lawfully  
19 conduct the said Election.

20           **Section 9:**     That the Election shall be held in all respects as if there were only one election,  
21 and only one form of ballot shall be used, and the Registrar is authorized to canvass the returns of the  
22 Special Municipal Election and furnish the results of such canvassing to the City Clerk of the City of  
23 Rialto.

24           **Section 10:**    Pursuant to California Election Code § 10242, the polls for the Special  
25 Municipal Election shall open at seven o’clock a.m. on the day of the election, and shall remain open  
26 continuously from that time until eight o’clock p.m. of the same day when the polls shall be closed,  
27 except as otherwise provided in California Election Code § 14401.

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1           **Section 11:** That in all particulars not recited in this Resolution, the Special Municipal  
2 Election shall be held and conducted in accordance with the provisions of law regulating municipal  
3 and statewide elections.

4           **Section 12:** That notice of the time and place of holding the Special Municipal Election is  
5 hereby given and the City Clerk is authorized, instructed and directed to give further or additional  
6 notice of the election, in the time, form and manner required by law.

7           **Section 13:** That the Board of Supervisors of the County of San Bernardino is requested to  
8 issue instructions to the Registrar to take any and all steps necessary for the holding of the  
9 consolidated election.

10           **Section 14:** That the ballots to be used at the election shall be in the form and content as  
11 required by law.

12           **Section 15:** The City of Rialto recognizes that additional costs will be incurred by the  
13 County of San Bernardino by reason of this consolidation, and agrees to reimburse the County of San  
14 Bernardino for services rendered, upon presentation of a properly detailed invoice to the City Clerk of  
15 the City of Rialto.

16           **Section 16:** That the City Clerk is authorized, instructed, and directed to coordinate with the  
17 Registrar of Voters Office of the County of San Bernardino to procure and furnish any and all official  
18 ballots, notices, printed matter, and all supplies, equipment and paraphernalia that may be necessary in  
19 order to properly and lawfully conduct the election.

20           **Section 17:** The City Clerk is hereby directed to file a certified copy of this Resolution with  
21 the Board of Supervisors and the Registrar of Voters Office of the County of San Bernardino.

22           **Section 18:** That the City Clerk shall certify to the passage and adoption of this Resolution  
23 and enter it into the book of original Resolutions. This Resolution shall be effective immediately upon  
24 passage and adoption.

25           **PASSED, APPROVED AND ADOPTED** this \_\_\_ day of \_\_\_\_, 2018.

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DEBORAH ROBERTSON, Mayor

1 **ATTEST:**

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4 \_\_\_\_\_  
4 BARBARA A. McGEE, City Clerk

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6 **APPROVED AS TO FORM:**

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9 FRED GALANTE, City Attorney

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1 **STATE OF CALIFORNIA** )  
2 **COUNTY OF SAN BERNARDINO** ) ss  
3 **CITY OF RIALTO** )  
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5 I, Barbara A. McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing  
6 Resolution No. \_\_\_\_\_ was duly passed and adopted at a regular meeting of the City Council of the  
7 City of Rialto held on the \_\_\_ day of \_\_\_\_\_, 2017.

8 Upon motion of Council Member \_\_\_\_\_, seconded by Council Member  
9 \_\_\_\_\_, the foregoing Resolution No. \_\_\_\_\_ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:  
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15 **IN WITNESS WHEREOF**, I have hereunto set my hand and the Official Seal of the City  
16 of Rialto this 27th day of June, 2017.  
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BARBARA A. McGEE, City Clerk

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**EXHIBIT "A"**  
**ORDINANCE NO. \_\_\_\_\_**