

**CITY COUNCIL RESOLUTION NO. \_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
CALLING AN ELECTION TO BE HELD ON MARCH 3, 2020, FOR VOTER  
CONSIDERATION OF THE EXTENSION OF AN EXISTING VOTER-  
APPROVED LOCAL PUBLIC SAFETY SERVICES TAX ORDINANCE FOR  
EIGHT YEARS FOR THE CONTINUED MAINTENANCE OF PUBLIC SAFETY  
SERVICES; ESTABLISHING POLICIES AND PROCEDURES IN  
CONNECTION WITH SUCH AN ELECTION; REQUESTING THE BOARD OF  
SUPERVISORS OF THE COUNTY OF ALAMEDA TO CONSOLIDATE THE  
SPECIAL MUNICIPAL ELECTION WITH THE PRESIDENTIAL PRIMARY  
ELECTION TO BE HELD ON MARCH 3, 2020; REQUESTING CERTAIN  
SERVICES OF THE REGISTRAR OF VOTERS OF ALAMEDA COUNTY WITH  
RESPECT TO THE SPECIAL MUNICIPAL ELECTION; AND PROVIDING  
FOR SUBMITTAL OF BALLOT ARGUMENTS AND REBUTTALS AND  
AUTHORIZING THE FILING OF AN IMPARTIAL ANALYSIS**

**WHEREAS**, at an election held on March 2, 2004, greater than two-thirds of the voters in the City of Union City voting on the question approved a five (5) - year local funding measure that provided revenue for police and fire protection services that could not be taken by the State, commonly known as “Measure K,” and

**WHEREAS**, at an election held on November 4, 2008, greater than two-thirds of the voters in the City of Union City voting on the question approved an extension and enhancement of Measure K, commonly known as “Measure UU,” for an additional eight (8) years, in order to fund essential police and fire protection services in Union City as well as youth violence prevention and intervention programs—funding that could not be taken by the State; and

**WHEREAS**, at an election held on November 8, 2016, greater than two-thirds of the voters in the City of Union City voting on the question approved an extension of Measure UU, commonly known as “Measure QQ,” for an additional four (4) years; and

**WHEREAS**, Measure QQ was codified as Chapter 3.20 of the Union City Municipal Code (“UCMC”), as the Public Safety Services Excise Tax; and

**WHEREAS**, sixteen years ago, local voters first approved a dedicated source of local funding to support public safety services and youth violence prevention programs to keep Union City safe; and

**WHEREAS**, these locally-controlled funds have addressed local needs by keeping police officers on patrol in Union City neighborhoods, helping with responses to 911 calls and other emergencies, and supporting youth violence prevention and gang intervention programs; and

**WHEREAS**, over this period, Union City has experienced a 30% reduction in youth violence, similar reductions in property crime and local high school graduation rates are on the rise as students stay on a path to higher education and good jobs; and

**WHEREAS**, over \$4 million in annual funding dedicated to public safety services and youth violence prevention in Union City is set to automatically expire on June 30, 2021; and

**WHEREAS**, this significant loss of funding would be on top of recent cuts to public safety services resulting from the City's ongoing structural deficit; and

**WHEREAS**, millions of dollars have already been cut from the City's Police Department budget, resulting, at times, in just four on-duty police officers patrolling our City of almost 75,000 residents; and

**WHEREAS**, public safety is a top priority and continuing the public safety funding would preserve 911 emergency response and disaster preparedness, maintain youth violence prevention, gang intervention and crisis response programs for school and community safety, maintain neighborhood police patrols, and prevent additional fire station closures and reduction in on-duty firefighters and paramedics; and

**WHEREAS**, the City believes that continuing this essential source of local public safety funding is vital for maintaining the safety of local residents; and

**WHEREAS**, extending the existing voter-approved local funding for public safety services will continue to require independent financial audits and yearly reports to the community to ensure that all funds are spent as promised; and

**WHEREAS**, an extension of Measure QQ will ensure that all money raised will be utilized specifically for local public safety services and youth and family services; and

**WHEREAS**, in accordance with Proposition 22 (2010), the Local Taxpayer, Public Safety and Transportation Protection Act, approved by the voters, Measure QQ funds will remain in Union City and cannot be taken away by the State; and

**WHEREAS**, in an effort to assure that essential public safety services continue to be provided to its citizens at a necessary and minimum level and additional funding be provided for youth violence prevention and intervention programs, the City Council directed Staff and the City Attorney to prepare a proposed ordinance (“Ordinance”) providing for a continuation of the existing Public Safety Services Tax, for consideration by the voters on the March 3, 2020 ballot; and

**WHEREAS**, the City Council desires that the Ordinance be submitted to the voters as a ballot measure for consideration at a Special Municipal Election on March 3, 2020, in accordance with the provisions of this resolution; and

**WHEREAS**, the City Council recognizes the need to authorize the expenditure of additional revenues for the purpose of paying for staff time, attorneys’ fees, consulting services, and for reimbursing the County for including the Ordinance in the election for March 3, 2020; and

**WHEREAS**, the City Council has the authority to submit this measure to the voters of the City of Union City pursuant to section 9222 of the California Elections Code and section 50077 of the California Government Code; and

**WHEREAS**, other elections may be held in Alameda County on the same date, and it is to the advantage of the City to consolidate its municipal election pursuant to California Elections Code sections 10002 and 10400; and

**WHEREAS**, California Elections Code section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill to the City by the County Registrar of Voters; and

**WHEREAS**, California Elections Code sections 9281 through 9287 establish procedures for filing arguments in favor of a ballot measure, and filing rebuttal arguments, including a procedure by which members of the City Council may be authorized by the City Council to submit ballot arguments; and

**WHEREAS**, California Elections Code section 9280 authorizes the filing by the City Attorney of an impartial analysis regarding ballot measures proposed by cities; and

**WHEREAS**, on November 6, 1996, the voters of California approved Proposition 218, which added Articles XIIC and D to the California Constitution; and

**WHEREAS**, Article XIIC, section 2(d) of the California Constitution requires that any special tax must be approved by a two-thirds vote of the voters voting on the issue of the imposition of the tax; and

**WHEREAS**, based on all of the information presented at the November 26, 2019 meeting of the City Council, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) and 15378, subdivisions (2) and (4) of subdivision (b), this tax does not constitute a project under CEQA and therefore review under CEQA is not required.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Union City that:

SECTION 1. The foregoing recitals are true and correct and are hereby incorporated by reference.

SECTION 2. The City Council does hereby submit for adoption by the qualified voters of the City of Union City at the Special Municipal Election of March 3, 2020, the following question:

<b>To maintain 9-1-1 emergency response times, paramedic services, fire prevention/protection, disaster preparedness, neighborhood police patrols, youth violence/gang prevention and safety at public</b>	<b>YES</b>	
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<b>schools shall Union City’s measure extending expiring public safety funding be adopted at \$175 per parcel for the most common residential parcel (rates for other property types as described in the ballot pamphlet), providing approximately \$5,000,000 annually for eight years, with annual inflation adjustments, independent citizen oversight and all funds staying local?</b>	<b>NO</b>	
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SECTION 3. The full text of the proposed measure to be submitted to the voters is attached as Exhibit A (the “Measure”) hereto and shall be made available to the public upon request. If at least two-thirds of the qualified voters voting on the Measure vote in favor of it, the Measure shall be deemed adopted and shall be effective upon its adoption. Revenue from the tax would be used only for public safety services and youth violence prevention and intervention programs, as described in Exhibit A. The proposed tax is a tax on real property, with flat rates by property type, not based on the value of property, as set forth in Exhibit A. The tax would be in effect for eight years. The Measure would authorize the City to continue to request that the Alameda County Treasurer-Tax Collector continue to collect the tax with regular property tax.

SECTION 4. The Board of Supervisors of Alameda County is hereby requested to consent and agree to the consolidation of the Special Municipal Election described in this Resolution with the Presidential Primary Election within Alameda County to be held on Tuesday, March 3, 2020, and to issue instructions to the Alameda County Registrar of Voters to take any and all steps necessary for the holding of the Special Municipal Election. This request is made pursuant to California Elections Code section 10403, and the City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in California Elections Code section 10418.

SECTION 5. The Board of Supervisors of Alameda County is hereby requested to permit the Alameda County Registrar of Voters to provide such services as may be necessary to properly and lawfully hold and conduct a Special Municipal Election in the City on March 3, 2020, pursuant to this Resolution, including but not restricted to the providing and printing of ballots and polling place cards, election supplies, voting booths, flags, registration lists and any other materials and services required to lawfully conduct the election. The City recognizes that additional costs will be incurred by the County by reason of this Special Municipal Election, and the City agrees to reimburse the County based on the County's established rates. This request is made pursuant to California Elections Code section 10002.

SECTION 6. Unless otherwise specified in this Resolution, the Special Municipal Election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. (a) In accordance with California Elections Code sections 9282 and 9283, arguments submitted for or against the Measure shall not exceed 300 words in length, and shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election and may be signed by more than five persons. However, only the first five persons to sign will be printed with the Measure.

(b) In accordance with California Elections Code section 9282, the following headings, as appropriate, shall precede the arguments' wording, but shall not be counted in the 300 word maximum: "Argument Against Measure \_\_\_\_\_" or "Argument For Measure \_\_\_\_\_" (the blank spaces being filled only with the letter or number, if any, designating the measure).

(c) In accordance with California Elections Code section 9283, printed arguments submitted to voters in accordance with California Elections Code section 9282 shall be filed with the City Clerk, accompanied by 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 and signature of at least one of its principal officers. Arguments are due in the office of the City Clerk prior to 11:00 a.m. on December 10, 2019.

(d) The City Council hereby authorizes \_\_\_\_\_ and \_\_\_\_\_ to prepare and file a ballot argument in favor of the Measure set forth in this Resolution, which may be signed by members of the City Council, representatives of bona fide associations of citizens, and individual voters eligible to vote on the Measure. Members of the City Council who sign the ballot argument may use their titles.

SECTION 8. (a) Pursuant to California Elections Code section 9285, when the City Clerk has selected the arguments for and against the Measure that will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

(b) Rebuttal arguments shall not exceed 250 words and may be signed by more than five persons. However, only the first five persons to sign will be printed with the Measure. The persons that sign the rebuttal arguments may be different persons than the persons that signed the direct arguments.

(c) The last day for submittal of rebuttal arguments for or against the Measure shall be by 11:00 a.m. on December 20, 2019.

(d) The City Council hereby authorizes \_\_\_\_\_ and \_\_\_\_\_ to prepare and file a rebuttal argument in favor of the Measure set forth in this Resolution, which may be signed by members of the City Council, representatives of bona fide associations of citizens, and individual voters eligible to vote on the Measure, who may be different from the signatories of the argument in favor. Members of the City Council who sign the rebuttal argument may use their titles. In accordance with California Elections Code section 9287, any council members authorized by the City Council to do so may sign the rebuttal argument for the Measure.

SECTION 9. In accordance with California Elections Code section 9280, the City Attorney is directed to file with the City Clerk an impartial analysis of the Measure, not to exceed 500 words, showing the effect of the Measure on the existing law and the

operation of the Measure.

SECTION 10. (a) The City Clerk is directed to file a certified copy of this Resolution with the Board of Supervisors of Alameda County and the Alameda County Elections Department. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause a synopsis of the Measure attached as Exhibit A to be published once in a newspaper of general circulation in accordance with California Elections Code section 12111 and California Government Code section 6061. A copy of the Measure shall be made available to any voter upon request. The City Clerk is authorized and directed to give further additional notice of the Measure in the time, form, and manner required by law.

(b) In all particulars not recited in this Resolution, and except as provided for in California Elections Code sections 10403 and 10418, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 11. The City Manager, City Attorney and City Clerk (“City Officers”) are authorized to make all approvals, expend funds, enter into any agreements, and take any and all actions necessary or appropriate to carry out and implement the terms of this Resolution and to administer the City’s obligations, responsibilities and duties to be performed herein, including making any revisions, corrections, or alterations to the language of the ballot measure or related resolutions or ordinances of the City Council to correct minor errors or to comply with the requirements of law and the elections officials and to ensure that the applicable requirements of the Elections Code are met.

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