

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
CALLING AN ELECTION TO BE HELD ON NOVEMBER 8, 2022, FOR VOTER  
CONSIDERATION OF THE EXTENSION OF AN EXISTING VOTER-  
APPROVED LOCAL ONE-HALF CENT TRANSACTIONS AND USE (SALES)  
TAX FOR NINE YEARS WITH NO INCREASE IN TAX RATE FOR THE  
CONTINUED MAINTENANCE OF CITY SERVICES; ESTABLISHING  
POLICIES AND PROCEDURES IN CONNECTION WITH SUCH AN  
ELECTION; REQUESTING THE BOARD OF SUPERVISORS OF THE  
COUNTY OF ALAMEDA TO CONSOLIDATE THE GENERAL MUNICIPAL  
ELECTION WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER  
8, 2022, REQUESTING CERTAIN SERVICES OF THE REGISTRAR OF  
VOTERS OF ALAMEDA COUNTY WITH RESPECT TO THE  
CONSOLIDATED GENERAL MUNICIPAL ELECTION; AND PROVIDING  
FOR SUBMITTAL OF BALLOT ARGUMENTS AND REBUTTALS AND  
AUTHORIZING THE FILING OF AN IMPARTIAL ANALYSIS**

**WHEREAS**, for the past 12 years, Union City has relied upon approximately \$6 million annually in locally-controlled funding from a half-cent sales tax measure first approved by 60% of local voters in 2010 and renewed by 73% of local voters in 2014; and

**WHEREAS**, funds from Union City's locally controlled sales tax maintain city services such as firefighters, paramedics, 9-1-1 emergency response, police patrols, pothole and street repairs, and services for children, families and seniors; and

**WHEREAS**, public reports from the independent citizens' oversight committee that reviews the use of funds from Union City's local sales tax have consistently confirmed that funds have been collected and spent properly; and

**WHEREAS**, unless renewed by local voters, Union City's locally controlled sales tax funding is set to expire and the City will lose approximately \$6 million in annual funding, requiring budget cuts that could include 911 emergency response, community and neighborhood policing, and reductions in street repair and maintenance; and

**WHEREAS**, to prevent cuts to local programs and services, the City Council desires to place a measure on the November 8, 2022 ballot to renew local sales tax funding for nine years without increasing the tax rate; and

**WHEREAS**, essential purchases like groceries and prescription medicine are exempt from the cost of the sales tax to ensure the cost is not a burden to those on fixed or limited incomes; and

**WHEREAS**, shoppers and visitors from other communities must pay the cost of the sales tax to support Union City services, including shoppers from throughout the region who visit Union Landing; and

**WHEREAS**, the measure to renew locally controlled funding would continue strict fiscal accountability protections, including an independent citizens' oversight committee, mandatory annual audits and public disclosure of all spending; and

**WHEREAS**, all funds from a renewed local sales tax must remain under local funds for local needs in Union City and no funds can be taken away by the State; and

**WHEREAS**, the tax to be submitted to the voters, if approved, would continue an existing tax and be imposed on the sale of tangible personal property, and the storage, use, or other consumption of such property. The tax rate would continue to be one-half of one percent (i.e. 0.5%, or one half-cent for each dollar) of the sales price of the tangible personal property. The tax revenue would be collected by the California Department of Tax and Fee Administration ("CDTFA") and remitted to the City. The tax would be extended for an additional nine (9) years and would then expire automatically unless extended by the 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 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**, any general tax must be approved by a simple majority 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 July 12, 2022 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.** Consistent with the requirements of the laws of the State of California relating to General Law Cities, the City Council hereby calls and orders to be held in the City of Union City, California, on Tuesday, November 8, 2022, an election, at which there shall be submitted to qualified voters of Union City, a measure that, if approved, would enact a temporary general transactions and use tax ("sales" tax), as authorized by Revenue and Taxation Code Section 7285.9.

SECTION 3. The City Council does hereby submit for adoption by the qualified voters of the City of Union City at the General Municipal Election of November 8, 2022, the following question:

<b>To maintain funding the State cannot take away for Union City services, such as keeping fire stations open/ fully staffed, 9-1-1 emergency response, street/ pothole repair, paramedic services, neighborhood police patrols, disaster preparedness, senior/ youth programs and for general government use, shall the City of Union City measure extending the existing voter-approved sales tax without increasing the current 1/2¢ rate be adopted, raising \$6,600,000 annually for nine years, with annual audits, independent oversight and all funds staying local?</b>	<b>YES</b>	
	<b>NO</b>	

SECTION 4. 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 a simple majority of the qualified voters voting on the Measure vote in favor therefor, the Measure shall be deemed adopted upon the City Council’s declaration of the results of the election and effective ten (10) days thereafter. The ordinance specifies that the rate of the transactions tax shall be one one-half of one percent (0.5% ) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the City; it specifies that the rate of the use tax shall be one -half of one percent (0.5%) of the sales price of tangible personal property stored, used or otherwise consumed in the City, and that the tax shall be in effect for an additional nine (9) years. The CDTFA shall collect the tax from retailers subject to the tax and remit the funds to the City.

SECTION 5. The Board of Supervisors of Alameda County is hereby requested to consent and agree to the consolidation of the General Municipal Election described in this Resolution with the General Election on Tuesday, November 8, 2022, and to issue instructions to the Alameda County Registrar of Voters to take any and all steps necessary for the holding of the Consolidated General 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 Section 10418.

SECTION 6. 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 Consolidated General Municipal Election in the City on November 8, 2022, 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 Consolidated General 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 7. Unless otherwise specified in this Resolution, the General Municipal Election shall be held and conducted as provided in Resolution No. 5948-22, and as provided by law for holding municipal elections.

SECTION 8. (a) In accordance with 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 not more than five (5) persons.

(b) In accordance with 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 Elections Code section 9283, printed arguments submitted to voters in accordance with section 9282 of the Elections Code 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 5:00 p.m. on July 26, 2022.

(d) The City Council hereby authorizes \_\_\_\_\_ and \_\_\_\_\_ to prepare and file a ballot argument in favor of the ballot 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 9. (a) Pursuant to 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 ballot 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 5:00 p.m. on August 5, 2022.

(d) The City Council hereby authorizes \_\_\_\_\_ and \_\_\_\_\_ to prepare and file a rebuttal argument in favor of the ballot 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 rebuttal argument may use their titles. In accordance with Elections Code section 9287, any council members authorized by the City Council to do so may sign the rebuttal argument for the measure.

SECTION 10. In accordance with 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 11. (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 Elections Code sections 10403 and 10418, the election shall be held and conducted as provided by law for holding municipal elections.