

**RESOLUTION NO. 18-11**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, CALLING FOR, GIVING NOTICE OF AND REQUESTING CONSOLIDATION OF A SPECIAL ELECTION FOR TUESDAY, JUNE 7, 2011 FOR THE PURPOSE OF SUBMITTING A TAX MEASURE TO THE ELECTORATE**

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**WHEREAS**, Revenue & Taxation Code Section 7285.9 authorizes the City Council to levy a transactions and use tax for general purposes, if the ordinance proposing that tax is approved by a two-thirds vote of all members of the City Council and the tax is approved by a majority vote of the qualified voters of the city voting in an election on the issue; and

**WHEREAS**, the City Council has, by a two-thirds vote of all its members, introduced the City of Richmond Transactions and Use Tax Ordinance of 2011 (the "Sales Tax Ordinance"), which is attached hereto and incorporated herein by reference; and

**WHEREAS**, the Ordinance imposes a ½ percent transactions and use tax (the "Sales Tax") to be collected in the manner set forth in the Ordinance; and

**WHEREAS**, in order for the Sales Tax to become effective, it must be approved by the electorate; and

**WHEREAS**, according to news reports, it is likely that Governor Brown will call a statewide special election for June 7, 2011; and

**WHEREAS**, the City Council desires to call a special municipal election for June 7, 2011; and

**WHEREAS**, the City Council desires to submit the Tax to the qualified electors of the City at that special election; and

**WHEREAS**, to minimize the expense of conducting the election, the City Council desires to consolidate its election with a statewide election.

**NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, AS FOLLOWS:**

1. Pursuant to Government Code Section 53724 and Election Code Section 9222, there shall be and there is hereby called and ordered held in the City of Richmond, California, a special election on Tuesday, the 7th day of June, 2011 (the "Special Election").
2. The City Clerk is hereby directed to submit the following question (the "Measure") to the qualified voters of the City of Richmond at the Special Election:

“Shall a ½ percent sales tax in the City of Richmond be approved?”

3. The City Council hereby declares its intent to consolidate the Advisory Election with the statewide election to be held on the date of the Advisory Election, should such election be called. The City Council further declares its intent to proceed with the Advisory Election on June 7, 2011 even if the state does not call a statewide election.
4. For the purposes of Section 2(b) of Article XIIC of the California Constitution, the City Council declares, by a unanimous vote, that an emergency exists necessitating that the Tax be submitted to the electorate sooner than the next regularly scheduled general election for members of the City Council. The facts justifying this declaration are as follows:

A. As a result of the unprecedented recessionary economy, the City is facing a revenue shortfall of at least \$4.0 Million in Fiscal Year 2011/2012.

B. This revenue shortfall endangers essential municipal services, services for those who can least afford the cutbacks, especially the young, the poor, the elderly, and the disabled.

C. In order to preserve its essential services and to adopt a balanced budget for Fiscal Year 2011/2012, it is necessary that the City impose a sales tax that will generate additional revenue for the City.

D. The City must prepare a budget for Fiscal Year 2011/2012 by June, 2011. If the City has not, by the time the City Council adopts the budget, secured the availability of transactions and use tax revenues for Fiscal Year 2011/2012, then the City Council believes that it may have to cut essential services and/or reduce the City's reserve funds to unacceptably low levels in order to avoid a revenue risk that could endanger the ability of the City to respond to unforeseen emergent situations.

E. A transactions and use tax requires voter approval. In order to enact such a tax before the beginning of Fiscal Year 2011/2012, the City must hold an election on the tax in June, 2011.

F. These circumstances constitute a fiscal emergency.

5. In all particulars not recited in this Resolution, the Special Election shall be held and conducted as provided by law applicable to an advisory vote.
6. That notice of the time and place of holding the Special Election is given and the City Clerk is authorized, instructed, and directed to sign and publish notice as required by law.
7. The City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk within ten (10) days of the adoption of this Resolution.
8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter into the original Resolutions.
9. The City Council directs the City Clerk to file a certified copy of this Resolution with the Registrar of Voters of Contra Costa County.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF RICHMOND

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond, California at a special meeting thereof held March 8, 2011, by the following vote:

AYES: Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Bates.

DIANE HOLMES  
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

State of California            }  
County of Contra Costa        }        : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 18-11**, finally passed and adopted by the City Council of the City of Richmond at a special meeting held on March 8, 2011.