

RESOLUTION NO. 19-48

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON,
CALIFORNIA CALLING FOR THE PLACEMENT OF A GENERAL TAX
MEASURE ON THE BALLOT FOR THE MARCH 3, 2020 GENERAL
MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED
VOTERS OF AN ORDINANCE TO ENACT A GENERAL
TRANSACTIONS AND USE TAX AT THE RATE OF
ONE-QUARTER PERCENT (1/4%)**

WHEREAS, the City Council of the City of Avalon ("City") is authorized to levy a Transactions and Use Tax ("TUT") for general purposes pursuant to California Revenue and Taxation Code §7285.9, subject to approval by a majority vote of the electorate pursuant to Article XIII C, §2 of the California Constitution ("Proposition 218"); and

WHEREAS, pursuant to California Elections Code §9222, the City Council has authority to place local measures on the ballot to be considered at a Municipal Election; and

WHEREAS, the City Council would like to submit to the voters at the March 3, 2020 General Municipal Election a measure enacting a general TUT at a rate of one-quarter percent (1/4%) on the sale and/or use of all tangible personal property sold at retail in the City until it is ended by voters, as more specifically set forth in the attached proposed ordinance adding Article 8 to Chapter 3 of Title 3 of the City's Municipal Code; and

WHEREAS, the 1/4% TUT is a general tax, the revenue of which will be placed in the City's general fund and will be used to pay for important general City services; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218, an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, pursuant to Proposition 218 (California Constitution Article XIII C, §2(b)), the general rule is that any local election for the approval of an increase to a general tax must be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, the next regularly scheduled general election at which City Council members are to be elected is March 3, 2020; and

WHEREAS, pursuant to Government Code §53724 ("Proposition 62") and Revenue and Taxation Code §7285.9, a two-thirds (2/3) vote of all members of the City Council is required to place the Measure on the March 3, 2020 ballot; and

WHEREAS, the ordinance to be considered by the qualified voters and the terms of approval, collection and use of the general TUT are described and provided for in the ordinance/measure attached hereto as Exhibit "A" (the "Measure") and by this reference made an operative part hereof, in accordance with all applicable laws.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AVALON:

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

SECTION 2. Submission of Ballot Measure. Pursuant to California Elections Code §9222, Government Code §53724, Revenue and Taxation Code §7285.9 and any other applicable requirements of the laws of the State of California relating to the City, the City Council, **by a two-thirds (2/3) vote of all members**, hereby orders the Measure to be submitted to the voters of the City at the General Municipal Election to be held on **Tuesday, March 3, 2020**.

SECTION 3. The City Council, pursuant to California Elections Code §9222, hereby orders that the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the General Municipal Election to be held on Tuesday, March 3, 2020, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

"Shall a measure be adopted by the City of Avalon enacting a one-quarter percent (1/4%) transactions and use (sales) tax, generating approximately \$240,000.00 annually for general City services until ended by voters?"	YES
	NO

SECTION 4. Conduct of Election. The City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. Pursuant to California Elections Code Section 9280, 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 not later than the deadline for submittal of primary arguments for or against the Measure.

The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the

City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the Office of the City Clerk at 310-510-0220 and a copy will be mailed at no cost to you.”**

SECTION 6. Notice of the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. Placement on the Ballot. The full text of the Measure shall not be printed in the voter information guide, and a statement shall be printed in the ballot pursuant to Elections Code §9223 advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk.

SECTION 8. Filing with County. The City Clerk shall, not later than the 88th day prior to the General Municipal Election to be held on Tuesday, March 3, 2020, file with the Board of Supervisors and the County Clerk – Registrar of Voters of the County of Los Angeles, State of California, a certified copy of this Resolution.

SECTION 9. Public Examination. Pursuant to California Elections Code §9295, this Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk’s office of the specific dates that the examination period will run.

SECTION 10. The City Council hereby finds and determines that the Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

SECTION 11. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

SECTION 12. This Resolution shall become effective upon its adoption.

SECTION 13. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Avalon this 1st day of October, 2019, by the following vote:

AYES: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy and Olsen.

NOES: None

ABSTAIN: None

ABSENT: None



Ann H. Marshall, Mayor

ATTEST:



Gabrielle Morones

Deputy City Clerk/Sr. Administrative Assistant


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF AVALON)

I, GABRIELLE MORONES, DEPUTY CITY CLERK OF THE CITY OF AVALON, do hereby certify that the foregoing is a true and correct copy of Resolution No. 19-48 and was duly passed, approved, and adopted by the Avalon City Council at its regular meeting of October 1, 2019, by the following vote:

Ayes: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy and Olsen.
Noes: None
Absent: None
Abstain: None

and that the same has not been amended nor repealed.

Dated this 2nd day of October, 2019.



Gabrielle Morones, Deputy City Clerk
City of Avalon, California

RESOLUTION NO. 19-49

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON,
CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL
MUNICIPAL ELECTION TO BE HELD ON MARCH 3, 2020 WITH THE
STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE
PURSUANT TO §10403 OF THE ELECTIONS CODE**

WHEREAS, on October 1, 2019, the City Council of the City of Avalon adopted Resolution No. 19-48, calling a General Municipal Election to be held on March 3, 2020; for the purpose of submitting to the voters the question relating to the Transactions and Use Tax; and

WHEREAS, it is therefore desirable that the General Municipal Election be consolidated with the Statewide Primary Election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the election department of the County of Los Angeles canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Request for Consolidation. Pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide Primary Election on Tuesday, March 3, 2020, for the purpose of submitting to the voters the following question relating to the Transactions and Use Tax.

Section 2. Measure Language. A measure is to appear on the ballot as follows:

"Shall a measure be adopted by the City of Avalon enacting a one-quarter percent (1/4%) transactions and use (sales) tax, generating approximately \$240,000.00 annually for general City services, until ended by voters?"	Yes
	No

Section 3. Canvass of Returns. The County election department is authorized to canvass the returns and perform all other proceedings incidental to and connected with the General Municipal Election. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to California Elections Code Sections 10403 and 10418, the election will be

held and conducted in accordance with the provisions of law regulating the Statewide Primary Election.

Section 4. Necessary Steps. The Board of Supervisors is requested to issue instructions to the County election department to take any and all steps necessary for the holding of the consolidated election.

Section 5. Costs. The City Council determines and declares that the City will pay to the County the reasonable and actual expenses incurred by the County by the consolidation of the General Municipal Election with the Statewide Primary Election. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill. The City Manager of the City of Avalon is authorized and directed to pay for the expenses incurred after receiving a statement from the County of Los Angeles.

Section 6. Filing of Resolution. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the election department of the County of Los Angeles.

Section 7. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Avalon this this
1st day of October, 2019, by the following vote:

AYES: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy and Olsen.

NOES: None

ABSTAIN: None

ABSENT: None



Ann H. Marshall, Mayor

ATTEST:



Gabrielle Morones

Deputy City Clerk/Sr. Administrative Assistant


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF AVALON)

I, GABRIELLE MORONES, DEPUTY CITY CLERK OF THE CITY OF AVALON, do hereby certify that the foregoing is a true and correct copy of Resolution No. 19-49 and was duly passed, approved, and adopted by the Avalon City Council at its regular meeting of October 1, 2019, by the following vote:

Ayes: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy and Olsen.
Noes: None
Absent: None
Abstain: None

and that the same has not been amended nor repealed.

Dated this 2nd day of October, 2019.



Gabrielle Morones, Deputy City Clerk
City of Avalon, California

RESOLUTION NO. 19-50

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON,
CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND
REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF
WRITTEN ARGUMENTS REGARDING A CITY MEASURE TO BE
SUBMITTED AT THE MARCH 3, 2020
GENERAL MUNICIPAL ELECTION**

WHEREAS, a General Municipal Election is to be held in the City of Avalon, California on March 3, 2020, at which there will be submitted to the voters the following measure:

"Shall a measure be adopted by the City of Avalon enacting a one-quarter percent (1/4%) transactions and use (sales) tax, generating approximately \$240,000.00 annually for general City services until ended by voters?"	Yes
	No

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Primary Arguments. That the City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed below by the City Clerk, after which no arguments for or against the City measure may be submitted to the City Clerk.

The deadline to submit arguments for or against the City Measure pursuant to this Resolution is declared by the City Clerk to be **Friday December 13, 2019, at 5:00 p.m.** Each argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and include 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 who is the author of the argument.

Section 2. Rebuttal Arguments. Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the primary arguments for and against the City Measure which will be printed and distributed to the voters, the Clerk shall send copies of the primary argument in favor of the Measure to the authors of the primary argument against, and copies of the primary argument against to the

authors of the primary argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **Monday December 23, 2019, at 12:00 p.m.** Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

Section 3. Prior Resolutions. That all previous resolutions providing for the filing of primary and rebuttal arguments related to City measures are repealed.

Section 4. March 3, 2020 Election. That the provisions of Sections 1 and 2 shall apply only to the election to be held on March 3, 2020, and shall then be repealed.

Section 5. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Avalon this this 1st day of October, 2019, by the following vote:

AYES: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy and Olsen.

NOES: None


ABSTAIN: None

ABSENT: None



Ann H. Marshall, Mayor

ATTEST:



Gabrielle Morones
Deputy City Clerk/Sr. Administrative Assistant


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF AVALON)

I, GABRIELLE MORONES, DEPUTY CITY CLERK OF THE CITY OF AVALON, do hereby certify that the foregoing is a true and correct copy of Resolution No. 19-50 and was duly passed, approved, and adopted by the Avalon City Council at its regular meeting of October 1, 2019, by the following vote:

Ayes: Mayor Marshall, Councilmembers Hoefs, MacGugan-Cassidy and Olsen.
Noes: None
Absent: None
Abstain: None

and that the same has not been amended nor repealed.

Dated this 2nd day of October, 2019.



Gabrielle Morones, Deputy City Clerk
City of Avalon, California