

NOV 09 2023

BY  DEPUTY
REGISTRAR OF VOTERS

RESOLUTION NO. 23-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO, CALIFORNIA, (1) GIVING NOTICE OF THE SUBMISSION TO ADELANTO VOTERS OF A BALLOT QUESTION FOR A BALLOT MEASURE TO ESTABLISH A SPECIAL TAX ON VACANT PROPERTIES TO FUND SOLUTIONS FOR PARKS AND RECREATION, ILLEGAL DUMPING REMEDIATION, PUBLIC SAFETY, CAPITAL IMPROVEMENT PROJECTS, AND SPECIFIED PROGRAMS; (2) REQUESTING THAT THE BALLOT QUESTION AND MEASURE BE INCLUDED AMONG THE ELECTION CONTESTS AT THE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON MARCH 5, 2024, AND WHICH IS TO BE CONSOLIDATED WITH COUNTY-ADMINISTERED ELECTION OF THE SAME DATE; AND, (3) SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND REBUTTALS REGARDING THE MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, the City of Adelanto (“City”) has been suffering from a lack of economic development since its incorporation on December 22, 1970; and

WHEREAS, since May 28, 1985, the State of California Department of Transportation has enforced a Controlled Access Highway Agreement along State Highway Route 395 in the City, which has severely restricted economic development within the corridor; and

WHEREAS, roughly 74 percent of the City’s land area is vacant, undeveloped, and unoccupied by any legal use; and

WHEREAS, properties that are vacant or undeveloped deprive the community of the economic opportunity and housing that could be provided if those properties were put into use; and

WHEREAS, properties that are vacant also deprive the City of the revenue needed to provide public services by reducing the tax revenue that is generated when properties provide space for active uses or are developed for housing or businesses; and

WHEREAS, members of the community have placed a clear priority on the need for parks and recreation programs; blight and illegal dumping remediation; public safety services, including police, firefighters, and paramedics; and capital projects to improve City infrastructure, including the construction and maintenance of roads, construction and maintenance of sidewalks, and storm water runoff and drainage; and

WHEREAS, the lack of economic development within the City has led to an insufficient revenue base that cannot fund the services that the members of the community

have requested; and

WHEREAS, despite significant cost saving measures the City Council has employed in recent years to address the ongoing budget crisis, including the consolidation of job duties, significant reductions in staffing levels, and the sales of assets and deferment of equipment purchases, current revenue forecasts indicate that the City's General Fund will struggle to maintain basic service levels in future fiscal years; and

WHEREAS, in order to address these issues as soon as possible, the City Council desires to submit to the qualified electors of the City a proposed ordinance to adopt a special tax on vacant properties to support services important to members of the community; and

WHEREAS, such a special tax will also discourage property owners from keeping properties vacant; and

WHEREAS, the proposed tax will have a hardship exemption process so that people with financial difficulty or other valid reason the property had to be vacant can have the tax waived, and non-profits are exempt; and

WHEREAS, a citizen oversight committee will be established to provide transparency regarding the special tax by recommending the allocation of the proposed tax revenue to the City Council and monitoring the use of the proceeds of the proposed tax to ensure it is meeting the needs of the community; and

WHEREAS, a non-ad valorem tax on parcels of real property may be approved by the voters as a special tax under California Constitution, Article XIII A, Section 4 and California Constitution, Article XIII D, Section 3(a)(2); and

WHEREAS, Government Code section 37100.5 provides in relevant part: "Except as provided in section 7282 of the Revenue and Taxation Code, the legislative body of any city may levy any tax which may be levied by any charter city, subject to the voters' approval pursuant to Article XIII A of the Constitution of California"; and

WHEREAS, Government Code section 50075 further provides: "It is the intent of the Legislature to provide all cities, counties, and districts with the authority to impose special taxes pursuant to the provisions of Article XIII A of the California Constitution"; and

WHEREAS, the City Council intends to (i) call for and give notice of a Municipal Election to be held on Tuesday, March 5, 2024, the submission of a ballot measure to the voters of the City of Adelanto to consider and approve a parcel tax on vacant properties to fund solutions for parks and recreation, illegal dumping remediation, public safety, capital improvement projects, and specified programs (the "Measure"); (ii) request consolidation of such election with the County of San Bernardino; (iii) request that San Bernardino County provide specific election administration services; and (iv) provide for the determination of tie votes by lot unless the City Council adopts the provisions of Elections Code section 15651(b) prior to the conduct of the election resulting in a tie vote; and

WHEREAS, the subject Measure is referred to as the “Adelanto Vacant Property Tax”; and

WHEREAS, the ballot measure question seeking approval of this Ordinance appeared as follows:

Adelanto Vacant Property Tax <i>Shall the City of Adelanto’s measure to fund public safety, parks/recreation programs, capital improvements such as roadway projects, and illegal dumping enforcement, approving a vacant parcel tax that only applies to vacant land and does not apply to occupied residential properties or operating business properties, at rates based on zoning ranging from \$50.00 to \$600.00/acre annually for 20 years raising about \$6,200,000/year that includes citizen oversight, be adopted?</i>	<input type="checkbox"/> Yes
	<input type="checkbox"/> No

WHEREAS, the City Council wishes to include the above-referenced special tax measure as part of the Presidential Primary Election ballot on March 5, 2024; and

WHEREAS, the calling of an election contest for Adelanto voters to consider the parcel tax measure was made in a manner consistent with Government Code sections 53971.5 and 53978 and Government Code section 50077, which provides in relevant part: “Except as provided in section 7282 of the Revenue and Taxation Code, the legislative body of any city ... may, following notice and public hearing, propose by ordinance or resolution the adoption of a special tax”; and

WHEREAS, the City Council approved this Ordinance for first reading at a public hearing conducted as part of its Regular Meeting of November 8, 2023, provided that the Ordinance may not take effect unless approved by Adelanto voters at the election of March 5, 2024; and

WHEREAS, this Ordinance, by its terms, may only take effect if the ballot measure requesting its approval is approved by a two-thirds (2/3) majority of Adelanto voters at the Election of March 5, 2024; and

WHEREAS, it is desirable that the City’s March 5, 2024, Municipal Election, inclusive of the above-subject ballot measure, be consolidated with any and all elections to be administered by the County Election Department of the County of San Bernardino on the same date and that the City have the same precincts, polling stations, and election officers within the City for such election; and

WHEREAS, the City shall compensate the County of San Bernardino for all necessary expenses incurred by the County Election Department in performing election

services for the City; and

WHEREAS, the City Council affirms its wish for the County Election Department for the County of San Bernardino to canvass the returns of the City's March 5, 2024, Municipal election; and

WHEREAS, Elections Code sections 9280, et seq., sets forth the procedures and requirements for the preparation and submission of ballot arguments and corresponding rebuttal arguments in connection with City-initiated ballot measures.

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

SECTION 1. The foregoing recitals are true and correct and incorporated into the body of this Resolution by this reference.

SECTION 2. Pursuant to the requirements of the laws of the State of California relating to charter cities and Elections Code sections 9222 and 12001, the City Council hereby orders and calls for a Municipal special Election to be held in the City of Adelanto, California on Tuesday, March 5, 2024, to be consolidated with the County-administered Presidential Primary Election to be held on the same day, for the added purpose of submitting to the qualified electors the above-defined Measure to approve the ordinance attached hereto as **Exhibit "A"** (the "Ordinance"). The proposed Measure will establish a parcel tax on real property within the City's territorial boundaries in the manner described in the Ordinance and said tax shall be structured as a special tax whose proceeds may only be used to pay for solutions for parks and recreation, illegal dumping remediation, public safety, capital improvement projects, and specified programs as defined in the Ordinance.

SECTION 3. Pursuant to the requirements of Elections Code section 10403, it is respectfully requested that the Board of Supervisors of the County of San Bernardino consent and agree to the consolidation of the City's Municipal Election on Tuesday, March 5, 2024, with the County-administered election of the same date.

SECTION 4. In connection with the County Election Department's administration of the City's March 5, 2024, Municipal Election, the City further requests that the County Election Department be authorized and directed to: (a) review and verify absentee voter applications and signatures; (b) conduct registered voter verifications (including signature verifications) associated with the processing of any proposed General Municipal Election ballot measure; (c) provide the City of Adelanto with the appropriate election precinct data, to the extent required; (d) make available to the City of Adelanto such election facilities, ballot casting equipment and assistance as may be necessary to conduct the election in compliance with state law and the Board of Supervisor's approval; (e) canvass the election returns; (f) print and supply ballots for the election; (g) mail the City of Adelanto's sample ballots, including ballot measure question, arguments, rebuttals, and impartial analysis; and, (h) administer the City of Adelanto's Election in all respects as if it were part and parcel of any other County Election Department's administered election, implementing all

such legally required or customarily employed measures and practices as may be necessary to conduct the election in a timely and legally compliant manner. The City acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418.

SECTION 5. The City of Adelanto shall reimburse the County Election Department for any costs associated with the administration of the City’s March 5, 2024, Municipal Election.

SECTION 6. The City hereby consents to have its Municipal Election on March 5, 2024, consolidated with any and all elections conducted on such date within the County.

SECTION 7. That the ballots to be used at the election shall be in form and content as required by law or as directed by the County Election Department to facilitate the consolidation of the City’s March 5, 2024, Election with the County-administered election of the same date.

SECTION 8. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 9. That the polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to Elections Code section 10242, except as provided in section 14401 of the Elections Code of the State of California.

SECTION 10. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 11. The ballot question for the Measure shall appear as follows:

<p>Adelanto Vacant Property Tax <i>Shall the City of Adelanto’s measure to fund public safety, parks/recreation programs, capital improvements such as roadway projects, and illegal dumping enforcement, approving a vacant parcel tax that only applies to vacant land and does not apply to occupied residential properties or operating business properties, at rates based on zoning ranging from \$50.00 to \$600.00/acre annually for 20 years raising about \$6,200,000/year that includes citizen oversight, be adopted?</i></p>	<input type="checkbox"/> Yes
	<input type="checkbox"/> No

SECTION 12. It is respectfully requested that the Board of Supervisors for the County of San Bernardino authorize and direct the County Election Department to canvass the returns of the City’s consolidated Municipal Election and that such election be held in

all respects as if it were part and parcel of the County-administered Election of the same date. It is also respectfully requested that the County Election Department give the above-subject Measure the letter designation “A” such that the measure may be identified as Measure “A” on the ballot. If the letter designation “A” is no longer available, it is respectfully requested that the County Election Department give the Measure the following letter designations in order of preference, from most preferred to least preferred: “B” and “C.”

SECTION 13. As the tax established under the Measure is a special tax within the meaning of Proposition 218 whose proceeds may be used to fund parks and recreation programs and infrastructure, illegal dumping remediation, public safety, capital improvement projects, and discourage vacant properties, as provided in the Ordinance, the vote requirement for passage of the proposed Measure is a two-thirds (2/3) supermajority of votes at the City’s Election of March 5, 2024.

SECTION 14. It is respectfully requested that the Board of Supervisors authorize and direct the County Election Department to:

- (A) Print and supply ballots for the General Municipal Election; and
- (B) Mail the ballot question, ballot arguments, rebuttals, and the City Attorney’s impartial analysis to the registered voters in the City of Adelanto.

SECTION 15. It is also respectfully requested that the Board of Supervisors issue instructions to the County Election Department to take any and all additional steps necessary for the holding of the consolidated election requested above.

SECTION 16. The City of Adelanto shall reimburse the County Election Department for any additional costs attributable to the inclusion of the Measure on the ballot of the Municipal Election to be consolidated with the County-administered Presidential Primary Election of March 5, 2024.

SECTION 17. The complete text of the proposed Ordinance submitted to the voters is attached as **Exhibit “A”** to this Resolution.

SECTION 18. The City Clerk is hereby authorized and directed to publish a Notice of Election and Measure to be Voted On at least one time not later than a week before the election in the VICTORVILLE DAILY PRESS, a newspaper of general circulation within the City of Adelanto, in accordance with the provisions of Elections Code section 12111. The City Clerk is hereby authorized to such other notices as required by law.

SECTION 19. The ballots to be used at the election shall be in form and content as required by law.

SECTION 20. Direct Arguments in Support of and in Opposition to Measure. As authorized under Elections Code section 9282(b), the City Council reserves the right to file a written argument in favor of this Measure or authorize any member or members of the City Council to do the same. Pursuant to Election Code section 9282 (b), written arguments

for or against the Measure may also be submitted by any individual voter who is eligible to vote on the Measure; any bona fide association of citizens; any combination of voters and associations or such other persons or entities as may be authorized under Elections Code section 9282(b). The foregoing notwithstanding, if more than one set of arguments “in favor of” or “in opposition to” the Measure is timely submitted to the City Clerk, the City Clerk shall select only one argument for and one argument against in accordance with the selection priority set forth under Elections Code section 9287. That priority gives preference as follows: (a) the City Council or City Council-authorized members of the City Council; (b) the individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure; (c) a bona fide association of citizens; then, (d) individual voters who are eligible to vote on the measure. Pursuant to Elections Code section 9283, a ballot argument will not be accepted unless accompanied by the printed name and signature or printed names and signatures of the author or authors submitting the argument, 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. Pursuant to Elections Code section 9283, no more than five (5) signatures shall appear with any argument submitted and if any argument is signed by more than five authors, the signatures of the first five shall be printed but not the signatures in excess of the first five. Ballot arguments in support of or in opposition to the Measure may not exceed 300 words in length.

Consistent with Elections Code sections 9286 and 9287, ballot arguments in favor of or in opposition to the Measure must be submitted to and received by the City Clerk by or before 5:00 p.m., on Wednesday November 22, 2023. Arguments that are received by the City Clerk after this deadline will not be accepted. The City Clerk’s Office is located at City of Adelanto City Hall, 11600 Air Expressway, Adelanto, California 92301.

SECTION 21. Rebuttals to Direct Arguments. Pursuant to Elections Code section 9285, when the City Clerk receives an argument to the Measure that will be printed in the ballot pamphlet, the elections official shall send a copy of the argument in favor of the Measure to the authors of any argument against the Measure and a copy of the argument against the Measure to the authors of the argument in favor of the Measure. To the extent permitted under Elections Code section 9285(a)(2), the author or a majority of the authors of an argument (either in favor of or in opposition to) may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit or sign the rebuttal argument. No rebuttal argument may exceed 250 words in length. Pursuant to Elections Code section 9285(a)(5), a rebuttal argument relating to the Measure may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument which it seeks to rebut.

Consistent with Elections Code sections 9285 and 9287, rebuttal arguments must be submitted to and received by the City Clerk by or before 5:00 p.m. on Monday, December 4, 2023. Rebuttals that are received by the City Clerk after this deadline will not be accepted. Again the City Clerk’s Office is located at City of Adelanto City Hall, 11600 Air Expressway, Adelanto, California 92301.

SECTION 22. City Attorney's Impartial Analysis. The City Council 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 existing law and the operation of the Measure. The impartial analysis shall be filed with the City Clerk by or before 5:00 p.m., on Wednesday, November 22, 2023.

SECTION 23. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

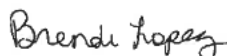
SECTION 24. The City Clerk shall forward, without delay, a certified copy of this Resolution to the Board of Supervisors of the County of San Bernardino and County Election Department, which shall be assisting the City of Adelanto with the conduct of its Election.

PASSED, APPROVED and ADOPTED by the City Council of the City of Adelanto at its regular meeting on this 8th day of November, 2023.



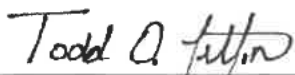
Gabriel Reyes, Mayor

ATTEST:



Brenda Lopez, CMC, City Clerk

APPROVED AS TO FORM:



Todd Litfin, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
CITY OF ADELANTO)

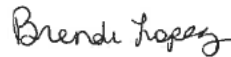
I HEREBY CERTIFY that the foregoing Resolution No. 23-81 was duly adopted by the City Council of the City of Adelanto at a regular meeting thereof, held on the 8th day of November, 2023, by the following vote of Council:

AYES: Council Members Meza, Uptergrove, Mayor Pro Tem Ramos and Mayor Reyes

NOES: None

ABSENT: Council Member Jeannette

ABSTAIN: None



Brenda Lopez, CMC, City Clerk