

**FILED**

JUL 25 2024

BY  DEPUTY  
REGISTRAR OF VOTERS

**RESOLUTION NO. 24-69**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO, STATE OF CALIFORNIA, (1) GIVING NOTICE OF THE SUBMISSION TO ADELANTO VOTERS OF A BALLOT QUESTION TO AMEND THE BUSINESS LICENSE TAX; (2) REQUESTING THAT THE BALLOT QUESTION AND MEASURE BE INCLUDED AMONG THE ELECTION CONTESTS ON THE NOVEMBER 5, 2024, BALLOT THAT IS CONSOLIDATED WITH THE COUNTY ADMINISTERED ELECTION ON THE SAME DATE; AND (3) SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND REBUTTALS REGARDING THE MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AND IMPARTIAL ANALYSIS**

**WHEREAS**, the City's business license tax has not been comprehensively updated since 1988; and,

**WHEREAS**, the current business license tax is overly complicated and uses a fixed rate of levy; and,

**WHEREAS**, numerous categories and subcategories no longer reflect the types of enterprises doing business in Adelanto; and,

**WHEREAS**, the City Council has determined to submit to the citizens of Adelanto for their approval a ballot measure modernizing and simplifying the outdated business license tax, making the tax fairer for small businesses; and,

**WHEREAS**, this measure will continue to provide funding for City services such as, but not limited to, 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 measure will maintain Adelanto's local control over local funds for local needs, allowing Adelanto to be self-reliant and requiring that our tax dollars are spent for Adelanto; and,

**WHEREAS**, the measure will support Adelanto's local small businesses by updating the City's 36-year-old business license tax, which is outdated, cumbersome, and inequitable; and,

**WHEREAS**, updating our local business license ordinance will make it more transparent, easy to understand, equitable and fair for businesses of all sizes, especially small businesses; and,

**WHEREAS**, the measure will help ensure that residents and local homeowners do not shoulder all of the costs of city services that also benefit businesses; and,

**WHEREAS**, Government Code Section 53724, Business and Professions Code Section 16000, and California Constitution Article XIII C authorize the City to levy a business license tax for unrestricted general revenue purposes if the Council approves the resolution proposing the measure by two-thirds (2/3) vote of the total membership and the ordinance proposing the tax is approved by a majority vote of City voters in an election on the issue.

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

**SECTION 1.** Call for Municipal Election.

(a) A municipal election in the City of Adelanto is called for November 5, 2024, for the purpose of submitting to the electorate a ballot measure approving an ordinance modernizing and simplifying the City’s business license tax by reducing and reorganizing businesses into five principal categories plus exempt businesses and calculating the tax rate for all businesses based on gross receipts, to continue from the effective date until changed, and to be used for unrestricted general revenue purposes of the City.

(b) Notice of the time and place of holding the election is to be given and the City Clerk is authorized to give further notice of the election as required by law.

**SECTION 2.** Consolidation with Statewide General Election

(a) The City Council orders the municipal election consolidated with the statewide general election on Tuesday, November 5, 2024.

(b) In accordance with Elections Code Sections 10002 and 10403, the City Council requests the County Election Department of the County of San Bernardino consolidate the municipal election with the statewide election.

(c) The title of the ballot measure shall be “Gross Revenue Business Tax” or something substantially similar.

(d) The question to be presented to the voters is as follows:

<i>Shall the City of Adelanto update its 1988 Flat Rate Business License Tax; this updated rate will be paid by local employers, based on the size of the business’ annual sales (ranging from 0.125% to 0.40%); this will enable larger companies to pay their fair share of city services; this update will directly benefit the City’s General Fund by approximately \$1.2 million annually, should this be adopted?</i>	YES
	NO

This question requires the approval of the majority of qualified electors casting votes.

(e) The City Council acknowledges that the consolidated election will be held and

conducted in the manner prescribed in Elections Code Section 10418.

**SECTION 3.** Conduct of Election

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.

**SECTION 4.** 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 5.** 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 6.** 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 November 5, 2024.

**SECTION 7.** The complete text of the proposed Ordinance submitted to the voters is attached as **Exhibit "A"** to this Resolution.

**SECTION 8.** 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 publish such other notices as required by law.

**SECTION 9.** The ballots to be used at the election shall be in form and content as required by law.

**SECTION 10. 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 Elections 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, August 7, 2024. 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 11. 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, August 19, 2024. 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 12. 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, August 7, 2024.

**SECTION 13.** 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 14.** 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.

**SECTION 15.** All arguments submitted pursuant to this Resolution shall be submitted to the San Bernardino Elections Office of the Registrar of Voters in accordance with the Elections Code and other applicable laws.

**SECTION 16.** The City Council determines that this Resolution does not have the potential to have a physical effect on the environment. Therefore, pursuant to the California Environmental Quality Act ("CEQA") and its implementing regulations, this activity is not subject to CEQA.

**SECTION 17.** If any section, subsection, or other provision of this Resolution is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Resolution shall remain in full force and effect.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Adelanto on this 24<sup>th</sup> day of July, 2024.



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. 24-69 was duly adopted by the City Council of the City of Adelanto at a regular meeting thereof, held on the 24<sup>th</sup> day of July, 2024, by the following vote of Council:

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

NOES: None

ABSENT: None

ABSTAIN: None

*Brenda Lopez*

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Brenda Lopez, CMC, City Clerk