

**FILED**

**NOV 28 2023**

BY  DEPUTY  
REGISTRAR OF VOTERS

**RESOLUTION NO. 2023-072**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2024, BY SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF CHINO TO CONSIDER APPROVAL OF THE CITY OF CHINO PUBLIC SAFETY, ROADS, AND ESSENTIAL SERVICES PROTECTION MEASURE, AN ORDINANCE OF THE CITY OF CHINO TO ADOPT A ONE CENT (1¢) TRANSACTION AND USE TAX, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE THE CITY'S SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2024, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE; AND OTHER ELECTION MATTERS AS REQUIRED BY LAW**

**WHEREAS**, the City Council of the City of Chino wishes to submit the City of Chino Public Safety, Roads, & Essential Services Protection Measure to the voters at the March 5, 2024, Statewide Primary Election; and

**WHEREAS**, Section 9222 of the California Elections Code authorizes the City Council of the City of Chino to submit to the voters of the City of Chino, without a petition therefor, a proposition to enact any ordinance to be voted upon at any succeeding regular or special election, and if the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be enacted accordingly; and

**WHEREAS**, it is desirable that the Special Municipal Election be consolidated with the Statewide Primary Election to be held on the same date and time and within the City precincts, polling places and election officers of the two elections be the same, and that the San Bernardino County Registrar of Voters canvass the returns of the Special Municipal Election and the election be held in all respects as if there were only one election; and

**WHEREAS**, in the course of conduct of the election it is necessary for the City to request that the Board of Supervisors of the County of San Bernardino permit the County Elections Official to provide services related to the Special Municipal Election to be held on March 5, 2024; and

**WHEREAS**, the Chino Public Safety, Roads, Essential Services Measure would raise the local sales tax by 1% and, if approved, would generate an estimated \$28,000,000 each year of new and local revenue, until ended by voters, to protect and maintain City services that directly benefit the residents and businesses of Chino; and

**WHEREAS**, on this November 21, 2023 date, by unanimous approval, the City Council adopted Resolution No. 2023-071, declaring a fiscal emergency due to the severe future budget deficits projected.

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

Section 1. Pursuant to the laws of the State of California relating to elections, a special municipal election is hereby called and ordered to be held in the City of Chino, California, on Tuesday, March 5, 2024, for the purpose of submitting to the City's qualified voters the attached tax ordinance which shall be operative if a majority of the electors voting on the

measure vote to approve the imposition of the tax at an election called for that purpose.

Section 2. That the City Council of the City of Chino, pursuant to its right and authority, hereby orders submitted to the voters at a Special Municipal Election, to be consolidated with the Statewide Primary Election, to be held on Tuesday, March 5, 2024, the following question:

<p>“City of Chino Public Safety, Roads, Essential Services Measure          Shall the measure providing Chino funding for general government use, such as maintaining 911 response, police/fire protection; recruiting/retaining well-trained police officers; preventing crime; repairing streets/potholes; protecting local drinking water sources; addressing homelessness; maintaining veterans/senior/youth/after-school programs by enacting a 1¢ sales tax providing approximately \$28,000,000 annually until ended by voters; requiring audits/public spending disclosure/all funds benefitting Chino residents, be adopted?”</p>	YES
	NO

Section 3. The Ordinance submitted to the voters for enactment is attached hereto as Exhibit “A” and incorporated herewith. The City Clerk shall print the ordinance to be submitted to the voters of the City of Chino and shall make a copy thereof available to any voter upon request. The City Clerk is hereby authorized and directed to make any typographical, clerical, non-substantive corrections to the text of the attached Ordinance and this Resolution (including, but not limited to, the question to be submitted to the City's voters as provided in Section 2) as required to conform to any requirements of law.

Section 4. The Special Municipal Election for the ordinance to be submitted to the voters of the City of Chino is ordered to be held on Tuesday, March 5, 2024.

Section 5. The vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

Section 6. The ballots to be used at the Special Municipal Election shall be in form and content as required by law.

Section 7. The City Council authorizes its City Clerk to administer the Special Municipal Election, consistent with the consolidation of the election.

Section 8. Pursuant to California Election Code Section 10242, the polls for the Special Municipal Election shall open at seven o'clock a.m. on the day of the election, and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as otherwise provided in California Election Code Section 14401.

Section 9. That notice of the time and place of holding the Special Municipal Election is

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

Section 10. Pursuant to Sections 10402 and 10403 of the California Elections Code, the San Bernardino County Board of Supervisors is hereby requested to consent and agree to the consolidation of the submission of the aforementioned measure at the Special Municipal Election with the Statewide Primary Election conducted by San Bernardino County to be held on Tuesday, March 5, 2024. The City Council of the City of Chino further requests the Board of Supervisors of the County of San Bernardino to permit and to issue instructions to the County Elections Official to take the necessary steps to conduct the election and canvass the returns for the aforementioned measure to be submitted to the voters of the City of Chino at the Special Municipal Election to be held on Tuesday, March 5, 2024, and the City of Chino hereby agrees to reimburse the County of San Bernardino for the costs incurred because of this special municipal election.

Section 11. That in all particulars not recited in this Resolution, the Special Municipal Election shall be held and conducted in accordance with the provisions of law regulating municipal and statewide elections, including, but not limited to, Elections Code Section 10418.

Section 12. The San Bernardino County Registrar of Voters is authorized to canvass the returns of the Special Municipal Election. The Special Municipal Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 13. The City Clerk is hereby directed to file a certified copy of this Resolution, together with the attached Ordinance, with the Board of Supervisors and with the Elections Official of the County of San Bernardino.

Section 14. Pursuant to Sections 9280 through 9287 of the California Elections Code, arguments for or against the measure and rebuttal arguments shall be submitted and selected as follows:

a. Pursuant to California Elections Code Section 9282, the City Council or any member thereof authorized by the City Council may prepare and file a written argument in favor of the proposed measure, not to exceed three hundred (300) words, on behalf of the City Council. In the event that an argument is filed against the measure, the Mayor is authorized to prepare a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote on the measure.

b. The last day for submission of primary arguments for or against the measure shall be December 11, 2023 at 5:30 p.m. pursuant to Election Code Section 9286 and shall be accompanied by Statement Form 9600 pursuant to Elections Code Section 9600. All primary arguments may be changed or withdrawn until and including the last day for submission of primary arguments, after which time no arguments for or against the aforementioned measure may be submitted to the City Clerk.

c. Primary arguments (1) shall not exceed three hundred (300) words; (2) shall be filed with the City Clerk; and (3) shall be accompanied by the printed name(s) and signature(s) of the person(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 the principal officers who is the author of the argument.

d. In the event that more than one argument for or against the measure is timely submitted, the City Clerk shall give preference and priority in the order set forth

at California Elections Code Section 9287.

e. Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which 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 primary arguments. Each rebuttal argument shall immediately follow the primary argument that it seeks to rebut.

f. The last day for submission of rebuttal arguments for or against the measure shall be December 21, 2023 at 5:30 p.m. pursuant to Election Code Section 9285 and shall be accompanied by Statement Form 9600 pursuant to Elections Code Section 9600.

g. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons. The author or a majority of the authors of a primary argument relating to the aforementioned measure may prepare and submit a rebuttal argument. A rebuttal argument may not be signed by more than five (5) authors.

Section 15. The City Council hereby directs the City Clerk to transmit a copy of the aforementioned measure to the City Attorney. In accordance with California Elections Code Section 9280, the City Attorney is hereby directed to prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, showing the effect of the measure on the existing law and the operation of the measure. The 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 governing body of the city. 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-point bold type, a legend substantially as follows: "The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_ . If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you." The impartial analysis shall be filed with the City Clerk by December 11, 2023 at 5:30 p.m. for the submission of the impartial analysis in the voter's pamphlet materials.

Section 16. The City Clerk shall cause the City Attorney's Impartial Analysis, and duly selected arguments, to be printed and distributed to voters in accordance with State law regarding same.

Section 17. The City Clerk is directed to transmit this Resolution to the City Attorney. The City Attorney is hereby directed to prepare a synopsis of the Ordinance that shall be published in lieu of the proposed Ordinance with the Notice of Election as provided by section 36933 of the Government Code and section 12111 of the Elections Code.

Section 18. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 19. The Ordinance is attached as Exhibit A and is made a part hereof.

Section 20. That this Resolution is effective on the day of its adoption.


PASSED, APPROVED AND ADOPTED by the City Council of the City of Chino, California, at a regular meeting held on the 21<sup>st</sup> day of November, 2023.

  
EUNICE M. ULLOA, MAYOR

ATTEST:

  
NATALIE GONZAGA, CITY CLERK

APPROVED AS TO FORM:

  
FRED GALANTE, CITY ATTORNEY

Attachment: Exhibit A Ordinance 2024-\_\_\_\_

STATE OF CALIFORNIA            )  
COUNTY OF SAN BERNARDINO    ) ss  
CITY OF CHINO                    )

I, Natalie Gonzaga, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting held on the 21<sup>st</sup> day of November 2023, by the following votes:

AYES:                    COUNCIL MEMBERS: LUCIO, FLORES, BURTON, COMSTOCK, ULLOA

NOES:                    COUNCIL MEMBERS: NONE.

ABSENT:                 COUNCIL MEMBERS: NONE.

  
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NATALIE GONZAGA, CITY CLERK