



OFFICE OF THE CITY ATTORNEY
Long Beach, California

NB-26

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

MEMBER COUNCIL

Gary J. Anderson
Charles M. Gale
Anne C. Lattime
Howard D. Russell

DEPUTIES

David R. Albers
C. Geoffrey Allred
Taylor M. Anderson
Richard F. Anthony
William R. Baerg
Sarah E. Green
Monica J. Kilaita
Nicholas J. Masero
Dawn A. McIntosh
Lauren E. Misajon
Matthew M. Peters
Katrina R. Pickett
Arturo D. Sanchez
Chelsea N. Trotter
Todd Vigus
Amy R. Webber
Erin Weesner-McKinley
Theodore B. Zinger

November 12, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt Resolution Amending the Ballot Label/Ballot Question for a General Tax Measure Placed on the March 3, 2020 Special Municipal Election Ballot Relating to an Amended Ordinance to Extend and Adjust the Rate of The City's Transactions and Use Tax. (Citywide.)

DISCUSSION:

Pursuant to your request of November 5, 2019, this office has prepared and submits the above-described resolution for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

AMY R. WEBBER
Deputy City Attorney

ARW:bg A19-00813
01090158.docx
Attachment

NOV 13 2019

1 RESOLUTION NO.
2

3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH, AMENDING THE BALLOT
5 LABEL/BALLOT QUESTION FOR A GENERAL TAX
6 MEASURE PLACED ON THE MARCH 3, 2020 SPECIAL
7 MUNICIPAL ELECTION BALLOT RELATING TO AN
8 AMENDED ORDINANCE TO EXTEND AND ADJUST THE
9 RATE OF THE CITY'S TRANSACTIONS AND USE TAX
10

11 WHEREAS, on July 16, 2019, pursuant to California Proposition 218
12 (California Constitution, Article XIIC), Section 7285.9 of the California Revenue and
13 Taxation Code and Section 9222 of the California Elections Code, the City Council
14 adopted Resolution No. RES-19-0107, placing a measure on the March 3, 2020 special
15 municipal election ballot in order to propose to Long Beach voters a measure extending
16 the term of the Long Beach transactions and use tax (TUT) beyond ten (10) years until it
17 is ended by voters and setting the TUT at the following rates: (i) from January 1, 2017
18 through December 31, 2022 – at 1% on the sale and/or use of all tangible personal
19 property sold at retail in the City, (ii) from January 1, 2023 through September 30, 2027,
20 at a rate of three-quarters percent ($\frac{3}{4}\%$), and after October 1, 2027, again at a rate of one
21 percent (1%) until ended by voters; and

22 WHEREAS, by Resolutions RES-19-0108 and RES-19-0109, the City
23 Council also requested that the County of Los Angeles consolidate the special election
24 with the Statewide Primary Election being conducted on the same date and set rules and
25 deadlines for the submission of arguments and rebuttals for and against the proposed
26 measure; and

27 WHEREAS, Resolution No. RES-19-0107 included the following ballot
28 label/ballot question which is intended to be printed in the ballot received by voters at the

1 election:

"To maintain 911 emergency response services, police, fire, parks, libraries, repair streets, and support general services, shall an ordinance be adopted extending the City of Long Beach's Transactions and Use Tax beyond 2027, generating approximately \$60 million annually, at a 1% rate until December 31, 2022, at ¾% until September 30, 2027, and at 1% from October 1, 2027 until ended by voters, requiring a citizens' advisory committee and annual independent audits, with all funds remaining in Long Beach?"	YES
	NO

2
3
4
5
6
7
8 WHEREAS, in order to simplify and clarify the measure for Long Beach
9 voters, the City Council desires to amend the ballot label/ballot question as set forth
10 herein:

11 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
12 follows:

13 Section 1. Recitals. The City Council hereby finds and determines that
14 the foregoing recitals are true and correct, are incorporated herein and by this reference
15 made an operative part hereof.

16 Section 2. Amended Ballot Label/Ballot Question Language. The ballot
17 label/ballot question to be submitted to Long Beach voters with regards to the Transient
18 Occupancy Tax measure shall be amended to read as follows:.

"To maintain 911 emergency response services, police, fire, parks, improve water quality, repair streets, and maintain general services, shall a measure be adopted extending the City of Long Beach's transactions and use (sales) tax beyond 2027, generating approximately \$60 million annually, at a maximum rate of one cent (1%) per the measure until ended by voters, requiring a citizens' advisory committee and annual independent audits, with all funds remaining in Long Beach?"	YES
	NO

19
20
21
22
23
24
25 Section 3. No Further Amendments by this Resolution. This resolution
26 only authorizes the amendment of the ballot label/ballot question for the transactions and
27 use tax measure that was placed on the March 3, 2020 special election ballot by City
28 Council Resolution No. RES-19-0107. Except as expressly provided herein, Resolutions

1 RES-19-0108 and RES-19-0109 shall remain in full force and effect as adopted on July
2 16, 2019.

3 Section 4. Delivery of Resolution to County. The City Clerk shall certify
4 to the passage and adoption of this Resolution and enter it into the book of original
5 resolutions. The City Council directs the City Clerk to deliver copies of this Resolution to
6 the Clerk of the Board of Supervisors of Los Angeles County and to the Registrar of
7 Voters of Los Angeles County.

8 Section 5. Public Examination. Pursuant to California Elections Code
9 section 9295, this Resolution will be available for public examination for no fewer than ten
10 (10) calendar days prior to being submitted for printing in the voter information guide.
11 The Clerk shall post notice in the Clerk's office of the specific dates that the examination
12 period will run.

13 Section 6. CEQA. The City Council hereby finds and determines that the
14 ballot measure relates to organizational or administrative activities of governments that
15 will not result in direct or indirect physical changes in the environment, and therefore is
16 not a project within the meaning of the California Environmental Quality Act ("CEQA") and
17 the State CEQA Guidelines, section 15378(b)(5).

18 Section 7. Severability. If any provision of this Resolution or the
19 application thereof to any person or circumstance is held invalid, such invalidity shall not
20 affect other provisions or applications of the Resolution which can be given effect without
21 the invalid provision or application, and to this end the provisions of this Resolution are
22 severable. The City Council hereby declares that it would have adopted this Resolution
23 irrespective of the invalidity of any particular portion thereof.

24 Section 8. This resolution shall take effect immediately upon its adoption
25 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2019, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Lona Beach, CA 90802-4664