

RESOLUTION NO. 2010-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA,
CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION
TO BE HELD ON TUESDAY, NOVEMBER 2, 2010 FOR THE ELECTION OF CERTAIN
OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF
CALIFORNIA RELATING TO GENERAL LAW CITIES.**

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on November 2, 2010 for the election of Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL DOES RESOLVE, DECLARE, DETERMINE AND REQUEST AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law cities, there is called and ordered to be held in the City of Guadalupe, California, on Tuesday, November 2, 2010, a General Municipal Election for the purpose of electing two Members of the City Council for the full term of four years, one Mayor of the City Council for the full term of two years, one City Treasurer for the full term of four years and one City Clerk for the full term on four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from the time until 8:00 o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

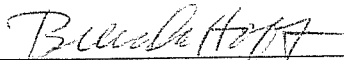
SECTION 4. That in all particular not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. That notice of the time and place of holding the election is 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.

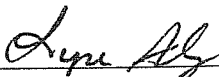
SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter in into a book of original resolutions.

PASSED, APPROVED AND ADOPTED this 8th day of June 2010.

ATTEST:



Brenda Hoff
City Clerk

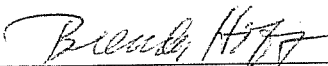


Lupe Alvarez
Mayor

I Brenda Hoff, City Clerk of the City of Guadalupe, do hereby certify that the foregoing Resolution No. 2010-15 was duly adopted by the City Clerk of the City of Guadalupe at the City Council meeting held on the 8th day of June 2010 by the following vote of the Council:

Motion: **Julian/Ponce**

AYES:	5	Julian, Ponce, Sabedra, Alvarez, Lizalde
NOES:	0	
ABSENT:	0	
ABSTAIN:	0	



Brenda Hoff
City Clerk

RESOLUTION NO. 2010-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA
REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA TO
CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2,
2010 WITH THE STATEWIDE GENERAL ELECTION PURSUANT TO SECTION 10403 OF THE
ELECTIONS CODE.**

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, General Municipal Election shall be held on November 2, 2010 of Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL DOES RESOLVE, DECLARE, DETERMINE AND REQUEST FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the Elections code, the Board of Supervisors of the County of Santa Barbara is hereby requested to consent and agree to the consolidation of General Municipal Election with the Statewide General Election on Tuesday, November 2, 2010 for the purpose of electing two Members of the City Council, one Mayor of the city, one City Treasurer and one City Clerk.

SECTION 2. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Guadalupe, California, on Tuesday, November 2, 2010, a General Election for the purposes of electing two Members of the City Council, one Mayor of the city, one City Treasurer and one City Clerk.

SECTION 3. That the Board of Supervisors is required to direct the County Election Division to take any and all steps necessary for the conducting of the consolidated election.

THE CITY COUNCIL REQUESTED THAT THE COUNTY ELECTIONS OFFICE TAKE ALL ACTIONS NECESSARY TO CONDUCT THE ELECTION.

SECTION 1. The City Council recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees pursuant to Section 10002 of the Elections Code to reimburse the County in full for the cost of services performed upon presentation of a bill.

SECTION 2. The City will be providing the following services:

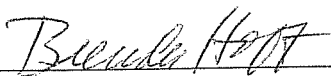
- (a) Notice of Election will be published, in time, form and manner required by law.
- (b) Accept and process official candidate nomination papers, which include verification as to whether candidate statements and ballots designations meet all requirements.
- (c) Upon Election Official's certification, issue certificates of election.
- (d) Take any other action necessary that is not the responsibility of the County Elections Official.

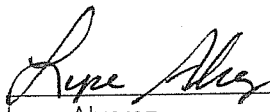
SECTION 3. The City Council recognizes that the County Elections Officials will be providing the following services.

- (a) Verification Nomination petitions as requested.
- (b) Designate polling places and provide supplies and equipment.
- (c) Appoint and train election officers.
- (d) Furnish any and all officials ballots, sample ballots, notices, and printed material.
- (e) Provide and process absentee voters requests.
- (f) Provide polling places for the election which shall be open seven o'clock a.m. of the day of the election and shall remain open continuously until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code.
- (g) Ensure that the ballots used at the elections are in the proper form and content required by law.
- (h) Count ballots and canvass the returns.
- (i) Declare results and certify election.
- (j) Take any other action necessary in order to properly and lawfully conduct the election.
- (k) Prepare and mail all invoices regarding election cost.

PASSED, APPROVED AND ADOPTED this 8th day of June 2010.

ATTEST:

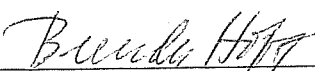

Brenda Hoff
City Clerk


Lupe Alvarez
Mayor

I Brenda Hoff, City Clerk of the City of Guadalupe, do hereby certify that the foregoing Resolution No. 2010-16 was duly adopted by the City Council of the City of Guadalupe at a regular meeting held on this 8th day of June 2010 by the following vote of the Council:

Motion: Julian/Ponce

AYES:	5	Julian, Ponce, Alvarez, Sabedra, Lizalde
NOES:	0	
ABSENT:	0	
ABSTAIN:	0	


Brenda Hoff
City Clerk

RESOLUTION NO. 2010-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE THAT THE OFFICES OF CLERK AND TREASURER BE APPOINTIVE AND DIRECTING THE CITY ATTORNEY TO PREPARE IMPARTIAL ANALYSIS THEREOF

THE CITY COUNCIL OF THE CITY OF GUADALUPE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to Section 36508 of the California Government Code, and the laws of the State of California relating to municipal elections, the City Council of the City of Guadalupe hereby calls and orders to be held on Tuesday, November 2, 2010, in the City of Guadalupe, County of Santa Barbara, State of California, a general municipal election for the purpose of placing on the ballot the following measure:

<p style="text-align: center;">CITY OF GUADALUPE MEASURE "A"</p> <p>Shall the offices of city clerk and city treasurer be appointive?</p> <p style="text-align: center;"><input type="checkbox"/> YES</p> <p style="text-align: center;"><input type="checkbox"/> NO</p>
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SECTION 2. The ballots to be used at the election shall be in form and content as required by law.

SECTION 3. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.


SECTION 4. Notice of the time and place of holding the election is 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 5. Pursuant to Elections Code Section 9280, the City Attorney of the City of Guadalupe is hereby directed to prepare and submit an impartial analysis explaining the effect of the measure on existing law and the operation of the measure.

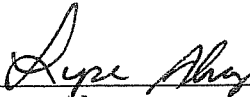
SECTION 6. The City Clerk shall certify to the passage and adoption of this resolution and enter it in into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 8th day, of June 2010.

ATTEST:



Brenda Hoff
City Clerk



Lupe Alvarez
Mayor

I, **Brenda Hoff**, City Clerk of the City of Guadalupe, do hereby certify that the foregoing **Resolution No. 2010-18** was duly adopted by the City Clerk of the City of Guadalupe at the City Council meeting held on the 8th **day of June, 2010** by the following vote of the Council:

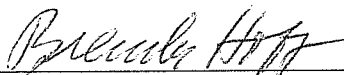
Motion: **Julian/Ponce**

AYES: 4 **Julian, Ponce, Sabedra, Lizalde**

NOES: 0

ABSENT: 0

ABSTAIN: 1 **Alvarez**



Brenda Hoff
City Clerk

RESOLUTION NO. 2010-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE RELATING TO THE AMENDMENT OF THE MAXIMUM RATE OF THE EXISTING UTILITY USERS TAX AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, AND DIRECTING THE CITY ATTORNEY TO PREPARE IMPARTIAL ANALYSIS THEREOF

WHEREAS, the City Council of the City of Guadalupe has by Resolution No. 2010-20 called for a general municipal election to be held on November 2, 2010; and

WHEREAS, the City Council has the authority under Elections Code Section 9222 to place on the ballot a measure for the voters of the City of Guadalupe to amend the Guadalupe Municipal Code to amend Chapter 3.24 of the Guadalupe City Municipal Code, to increase the existing utility users tax rate from 5 percent to 7.5 percent; and

WHEREAS, Section 2(b) of Article XIII C of the California Constitution, added by Proposition 218, effective November, 1996, requires that a measure proposing a general tax be submitted to the voters at an election consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, pursuant to California Constitution Article XIII C, Section 2(b) and Elections Code Section 10201, the City has determined to submit a measure to the voters to enact an ordinance increasing the rate of the existing utility users tax rate from 5 percent to 7.5 percent.

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

Section 1. Pursuant to Elections Code Section 9222, the proposed ballot proposition attached hereto as Exhibit A, and titled "AN ORDINANCE OF THE CITY OF GUADALUPE, CALIFORNIA AMENDING VARIOUS SECTIONS OF CHAPTER 3.24 OF THE MUNICIPAL CODE OF THE CITY OF GUADALUPE TO INCREASE THE UTILITY USERS TAX RATE, is hereby approved for placement on the ballot and submission to voters at the City's regular election scheduled for November 2, 2010. The question shall be posed as follows:

CITY OF GUADALUPE MEASURE "B"

The Guadalupe Vital Public Service Protection Measure. To help preserve, enhance and improve the infrastructure, safety and character of Guadalupe, shall an ordinance be adopted to increase the City of Guadalupe utility users tax from 5 percent to 7.5 percent for a period of six years?

☐ YES

☐ NO

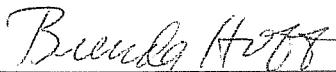
Section 2. City staff is directed to take all appropriate and necessary actions to cause the foregoing proposition to be placed on the ballot at the regular election of November 2, 2010.

Section 3. Pursuant to Elections Code Section 9280, the City Attorney of the City of Guadalupe is hereby directed to prepare and submit an impartial analysis explaining the effect of the measure on existing law and the operation of the measure.

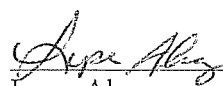
Section 4. The City Clerk shall certify to the passage and adoption of this resolution, and immediately transmit a certified copy of this resolution to the Santa Barbara County Clerk for inclusion on the November 2, 2010 ballot.

PASSED, APPROVED and ADOPTED this 22nd day, of June 2010.

ATTEST:



Brenda Hoff
City Clerk



Lupe Alvarez
Mayor

I, Brenda Hoff, City Clerk of the City of Guadalupe, do hereby certify that the foregoing Resolution No. 2010-20 was duly adopted by the City Clerk of the City of Guadalupe at the City Council meeting held on the 22nd day of June 2010 by the following vote of the Council:

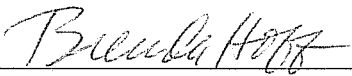
Motion: Ponce/Sabedra

AYES: 5 Ponce, Sabedra, Alvarez, Lizalde, Julian

NOES: 0

ABSENT: 0

ABSTAIN: 0



Brenda Hoff
City Clerk

ORDINANCE NO. 2010-401

**AN ORDINANCE OF THE CITY OF GUADALUPE, CALIFORNIA AMENDING
VARIOUS SECTIONS OF CHAPTER 3.24 OF THE MUNICIPAL CODE OF THE
CITY OF GUADALUPE TO INCREASE THE UTILITY USERS TAX RATE**

THE PEOPLE OF THE CITY OF GUADALUPE DO ORDAIN AS FOLLOWS:

Section 1. RECITALS

A. One of the primary roles of City government is to provide vital public services such as police and fire; street and sidewalk maintenance; pothole repair; water and wastewater; parks and recreation programs and facilities; and many other essential city services.

B. Over the past decade, the state of California has taken millions of dollars, and will continue to take money away in the next several years, from the City of Guadalupe – money that would otherwise be spent on essential City services.

C. Budget cuts have forced the City to reduce needed staffing, to leave unfilled various positions within the City, and to reduce spending on public safety, street and sidewalk maintenance, pothole repair, parks and recreation programs and facilities and other vital services.

D. The City's revenue for such vital services comes from property tax, utility users tax, sales tax, and other such revenues. The City cannot raise the property tax, and is severely constrained in its ability to raise sales tax, since the majority of sales tax collected within the City goes to public entities other than the City.

E. In 1985, the City of Guadalupe, in order to raise revenues for general government purposes, imposed a utility users tax. The utilities covered by the utility users tax are gas, electric, water, and telephone, inclusive. The current rate is five percent for each covered utility with a maximum annual exposure to any one utility user of \$2250.00. Said taxes are inadequate to provide basic levels of general government services. The existing utility users tax has not been increased since it was enacted in 1985.

F. The cost to continue to provide these vital services at current levels of service exceeds the amount of funds and revenues generated from all other sources of income available for such purpose.

G. The City must either generate additional revenue or begin making additional cuts to essential City services. The increase of the existing utility users tax from 5 percent to 7.5 percent, as more fully described and set forth below, is necessary to maintain public good, welfare, and safety. The tax increase would sunset after six years and revert to the existing rate of five percent.

H. A local finance measure gives Guadalupe residents local control. Every penny generated by the measure stays in Guadalupe to be used for the needs and services of our residents and the City. The imposition of such a tax will allow the City to provide essential services to occupants of residential and commercial real property throughout the City.

Section 2.

Section 3.24.060(A) of the Guadalupe Municipal Code is hereby amended to read as follows:

“There is hereby imposed a tax upon every person in the City, other than an electrical corporation or a gas corporation, using electrical energy in the City. The tax imposed by this section shall be at the rate of 7.5 percent of the charges made for such energy, and shall be paid by the person paying for such energy.”

Section 3.

Section 3.24.070(A) of the Guadalupe Municipal Code is hereby amended to read as follows:

“There is hereby imposed a tax upon every person in the City, other than a gas corporation or an electrical corporation, using gas in the City which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of 7.5 percent of the charges made for such gas, and shall be paid by the person paying for such gas.”

Section 4.

Section 3.24.080(A) of the Guadalupe Municipal Code is hereby amended to read as follows:

“There is hereby imposed a tax on the amounts paid for any intrastate telephone communication services, by any person in the city other imposed by this section shall be at the rate of 7.5 percent of all charges made for such services, and shall be paid by the person paying for such services.”

Section 5.

Section 3.24.090(A) of the Guadalupe Municipal Code is hereby amended to read as follows:

“There is hereby imposed a tax upon every person within or without the City, other than a water corporation, using water supplied by the City which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of 7.5 percent of the charges made for such water, and shall be paid by the person paying for such water.”

Section 6.

This ordinance is ordered to be submitted to election as a proposition pursuant to Elections Code Section 9222 and shall not become operative unless and until a majority of the electors voting on this measure vote to approve this ordinance at the general municipal election to be held on November 2, 2010. Pursuant to Elections Code Section 9222 the exact form of the question to be voted on at the election as it should appear on the ballot is as follows:

<p style="text-align: center;">CITY OF GUADALUPE MEASURE “B”</p> <p>The Guadalupe Vital Public Service Protection Measure. To help preserve, enhance and improve the infrastructure, safety and character of Guadalupe, shall an ordinance be adopted to increase the City of Guadalupe utility users tax from 5 percent to <u>7.5</u> percent for a period of six years?</p> <p style="text-align: center;"><input type="checkbox"/> YES</p> <p style="text-align: center;"><input type="checkbox"/> NO</p>
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Section 7.

The authority to levy the tax increase imposed by this ordinance shall expire six years from the operative date of this ordinance, after which time the tax rate set forth in Sections 2 through 6, inclusive, of this Ordinance shall revert to five percent.

Section 8.

If this ordinance is approved by a majority of the electors voting on the issue at the November 2, 2010 general municipal election, pursuant to Elections Code Section 9217, the ordinance shall become effective ten (10) days after the City Council accepts the certified results of the election.

Section 9.

This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state law, including, without limitation, the Government Code of the State of California. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this ordinance, or any section, subsection or clause of this ordinance shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of this ordinance and its sections, subsections and clauses in regards to other contracts, shall not be affected.

CITY OF GUADALUPE
CITY ATTORNEY'S IMPARTIAL ANALYSIS FOR
MEASURE ____-10

If approved by the voters, Measure ____-10, entitled "**The Guadalupe Vital Public Service Protection Measure**", would amend the Guadalupe Municipal Code to increase the existing utility users tax from five percent (5%) to seven point five percent (7.5%). The tax would "sunset" and return to the rate of five percent (5%) after six years. At this rate, for example, the utility users tax on a \$50.00 utility bill, such as a gas or electric bill, would increase from \$2.50 to \$3.75.

The revenues from the increased tax imposed by this measure would be deposited into the City's General Fund to be used for such general municipal governmental purposes as the City Council directs. Among such purposes are police and fire services, street and sidewalk maintenance, pothole repair, and parks and recreation programs and facilities.

The ordinance proposed by this measure will only become effective if approved by a majority of those electors voting on the measure.

A YES vote approves the measure.

A NO vote rejects the measure

The above statement is an impartial analysis of Measure ____-10. If you desire a copy of the measure, please call the elections official's office at (805) 343-1340 and a copy will be mailed at no cost to you.



David Fleishman
City Attorney, City of Guadalupe