



**AGENDA
SPECIAL MEETING
CHOWCHILLA CITY COUNCIL**

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

July 31, 2018

4:00 PM

Agendas for all City Council SPECIAL meetings are posted at least 24 hours prior to the meeting at the Civic Center, 130 S. Second St., Written communications from the public for the agenda must be received by Administrative Services no less than 7 days prior to the meeting date.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter. In addition, most documents will be posted on the city website at www.CityofChowchilla.org.

The City of Chowchilla complies with the Americans with Disabilities Act (ADA of 1990). The Council Chambers is accessible to the physically disabled. If you need special assistance, please call (559) 665-8615, ext. 102 at least 4 days prior to the meeting.

CALL TO ORDER

ROLL CALL:

Mayor: Dennis Haworth

Mayor Pro Tem: Ray Barragan

Council: Waseem Ahmed, Mary Gaumnitz, John Chavez

City staff and contract employees present at the meeting will be noted in the minutes

CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation, Pursuant to Government Code Section 54956.9 (d)(1)

Name of Case: Jeffery W. Ramsey v City of Chowchilla

Case Number: MCV078494

OPEN SESSION – 4:30 PM

PLEDGE OF ALLEGIANCE:

INVOCATION:

CLOSED SESSION REPORT:

PUBLIC ADDRESS

This time is reserved for members of the audience to address the City Council on items of interest that are **not** on the Agenda and that are within the subject matter jurisdiction of the Council.

It is recommended that speakers limit their comments to **no more than 3 minutes** each and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Council on items on the Agenda should notify the Mayor when that Agenda item is called.

The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. No adverse conclusions should be drawn if the Council does not respond to public comment at this time.

Speakers are asked to please **use the microphone and provide their name for the record**. Prior to addressing the Council, any handouts are to be provided to City Clerk who will distribute them to the Council and the appropriate staff.

NEW BUSINESS – Section 1

1.1 A City Council Resolution Amending the Language of Council Resolution #65-18, the “Public Safety Transactions and Use Tax” Measure that will be Voted on at the General Election on November 6, 2018 Back to its Original Language as Presented to the Chowchilla City Council at its July 24, 2018 Meeting (Haddix)

ADJOURNMENT

I, Joann McClendon, CMC, City Clerk, do hereby declare under penalty of perjury that the foregoing agenda was posted at the Chowchilla City Hall, 130 S Second Street, Chowchilla, CA and made available for public review on this 30th day of July 2018 at or before 4:45 p.m.

Joann McClendon, CMC
City Clerk



REPORT TO THE CITY COUNCIL

Special Meeting of: July 31, 2018

AGENDA SECTION: New Business

SUBJECT: Amending the Language of Council Resolution #65-18, the “Public Safety Transactions and Use Tax” Measure that will be Voted on at the General Election on November 6, 2018 Back to its Original Language as Presented to the Chowchilla City Council at its July 24, 2018 Meeting

PREPARED BY: Brian Haddix, City Administrator

ATTACHMENTS: Resolution

REVIEWED BY ADMINISTRATOR

REVIEWED BY ATTORNEY

REVIEWED BY FINANCE

RECOMMENDATION:

That the Chowchilla City Council amend the language of the “Public Safety Transactions and Use Tax” measure that will be voted on at the General Election on November 6, 2018 back to its original language as presented to the Chowchilla City Council at its July 24, 2018 meeting. Specifically, the measure will read as follows:

City of Chowchilla 911, Fire, and Public Safety Measure

To prevent the loss of Chowchilla’s local police department, maintain/protect local police/fire services, including 911 police, fire, emergency medical response times; Drug/gang enforcement/prevention services; violent/property crime prevention; combatting methamphetamine; maintaining drug use prevention programs; and other local police fire/medical response services, shall a measure establishing a one-cent sales tax for 8 years be adopted, providing \$1,300,000 annually, including citizens oversight, annual audits, all funds used locally in Chowchilla.

BACKGROUND:

At the July 24, 2018 Chowchilla City Council meeting, the Council discussed and voted to place a measure before the voters to add an extra 1% (also referred to as a one cent) to the city’s sales tax to be dedicated to Chowchilla Public Safety. Included in the recommendation to Council was ballot measure language that had been tested through a survey by the Lew Edwards Group (LEG), the company that is assisting the City in this endeavor. This testing occurred from April 19, 2018 through May 7, 2018 by calling randomly selecting residents of the city. As explained by LEG, every word in the measure was linked to those responses to questions on the survey that received a high level of support from the community. In that way, the measure is assured of reflecting the community’s needs regarding public safety.

REASON FOR RECOMMENDATION:

When the Council voted to modify the measure’s language, the LEG expressed concern that the language no longer linked to the survey results and, thus, could potentially veer from the community’s expressed

needs. LEG strongly encourages the Council to retain the original language for the measure so as to reflect as close as possible the results of the community survey on public safety.

Original language:

MEASURE ____

City of Chowchilla 911, Fire, and Public Safety Measure

To prevent the loss of Chowchilla’s local police department, maintain/protect local police/fire services, including 911 police, fire, emergency medical response times; Drug/gang enforcement/prevention services; violent/property crime prevention; combatting methamphetamine; maintaining drug use prevention programs; and other local police fire/medical response services, shall a measure establishing a one-cent sales tax for 8 years be adopted, providing \$1,300,000 annually, including citizens oversight, annual audits, all funds used locally in Chowchilla?

Modified language:

MEASURE ____

City of Chowchilla 911, Fire, and Public Safety Measure

To ~~prevent the loss of~~ enhance Chowchilla’s local police department, maintain/protect local police/fire services, including 911 police, fire, emergency medical response times; Drug/gang enforcement/prevention services; violent/property crime prevention; combatting methamphetamine; maintaining drug use prevention programs; and other local police fire/medical response services, shall a measure establishing a one-cent sales tax for 8 years be adopted, providing \$1,300,000 annually, including citizens oversight, annual audits, all funds used locally in Chowchilla?

FISCAL IMPACT:

There is no additional fiscal impact by amending the language; however, for the record, the fiscal impact of this measure is as follows: The 1st year of the proposed 1% sales tax add on for Public Safety is estimated to generate \$1.3M in new revenues that will be dedicated solely for Public Safety. With an 8 year timeframe and a 3% escalator annually, this measure is estimated to generate roughly \$11M to go towards Public Safety.

ACTIONS FOLLOWING APPROVAL:

Following Council action, the language of the measure will be filed with the Madera County Clerk-Recorder who oversees elections by no later than August 10, 2018.

CITY COUNCIL RESOLUTION # -18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, CALIFORNIA, ORDERING THAT A MEASURE TO ADOPT A SPECIAL TAX BE SUBMITTED TO THE VOTERS OF THE CITY OF CHOWCHILLA AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE

WHEREAS, a recent community survey showed that Chowchilla residents want the City of Chowchilla's local police and fire public safety services maintained; and,

WHEREAS, over the last ten years, Sacramento has taken nearly \$3.5 million in local funds from Chowchilla, affecting the City's ability to maintain public safety services; and,

WHEREAS, Chowchilla residents have prioritized maintaining public safety services, including: preventing the loss of Chowchilla's local Police Department, protecting 9-1-1 police emergency response times, maintaining 911 fire and medical emergency response times, maintaining drug and gang enforcement and prevention services, preventing cuts to neighborhood police patrols, and funding programs to reduce methamphetamine and other drug use; and,

WHEREAS, this measure provides a reliable, locally-controlled source of funding that would prevent the elimination of Chowchilla's local Police Department, protecting neighborhood police patrols and ensuring the City's local police officers can respond quickly in an emergency; and,

WHEREAS, Chowchilla's Firefighters and Police Officers respond to more 911 calls for fire and medical emergency each year, which have increased by 100% over the last 9 years; and,

WHEREAS, state funding for the investigation and prosecution of certain crimes has been eliminated recently, forcing the City to provide additional funding in order to ensure public safety; and,

WHEREAS, Chowchilla's Fire Department is staffed by volunteers who have limited funding to provide fire-fighting and 911 emergency medical response; and,

WHEREAS, Chowchilla's fire department currently works with aging trucks and old life-saving equipment; and,

WHEREAS, this measure would provide additional resources to expand support to our local fire department, which is critical to keeping our community safe; and,

WHEREAS, there are multiple suspected meth labs currently in operation in Chowchilla-- the Chowchilla Police Department needs the resources to shut these drug hot spots down; and,

WHEREAS, any additional voter-approved funding is legally required to be spent locally only to improve Chowchilla's public safety services --not for any other purpose --and cannot be seized by Sacramento politicians; and,

WHEREAS, a Citizen's Oversight Committee and annual independent audits will ensure transparency, and that voter-approved funding is spent as promised to voters;

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Chowchilla finds and directs as follows:

- 1) Pursuant to its right, power and authority under the laws of the State of California and the Municipal Code of the City of Chowchilla, the City Council hereby gives notice of the inclusion of a ballot measure relating to a "Public Safety Transactions and Use Tax" to be voted on at the General Election on November 6, 2018.

- 2) The City Council does hereby order the following measure be submitted to the voters at the General Election on November 6, 2018:

MEASURE ____

City of Chowchilla 911, Fire, and Public Safety Measure

To prevent the loss of Chowchilla's local police department, maintain/protect local police/fire services, including 911 police, fire, emergency medical response times; Drug/gang enforcement/prevention services; violent/property crime prevention; combatting methamphetamine; maintaining drug use prevention programs; and other local police fire/medical response services, shall a measure establishing a one-cent sales tax for 8 years be adopted, providing \$1,300,000 annually, including citizens oversight, annual audits, all funds used locally in Chowchilla.

- 3) The proposed measure is a special tax as defined under Article XIIC of the Constitution of the State of California and is an additional Transaction and Use Tax to be collected by the Board of Equalization at a rate of 1.0% and shall not take effect unless and until approved by a vote of at least 2/3 of the voters voting on the question at the November 6, 2018 General Election.
- 4) If passed by the required 2/3 majority of the voters of the City of Chowchilla at the November 6, 2018 General Election, the City of Chowchilla shall thereafter, at the earliest possible regular meeting of the City Council of the City of Chowchilla, place on the agenda, provide notice to the public, and vote on an Ordinance enacting the City of Chowchilla "Public Safety Transactions and Use Tax" of the City of Chowchilla, having held the required public hearing on the aforementioned ordinance on July 24, 2018. Such proposed ordinance shall establish the sales tax increase approved by the voters, if so approved, and create Chapter 3.13 "Public Safety Transactions and Use Tax" within the City of Chowchilla Municipal Code. A copy of this draft ordinance is attached hereto and incorporated herein as Exhibit "A".
- 5) The Election shall be held and conducted as provided for by law in all respects including those that are mandated for holding municipal elections. All persons duly qualified and registered to vote in the City of Chowchilla as of the date of the election shall be entitled to vote.
- 6) The City Clerk of the City of Chowchilla is directed to forward copies of the measure to be voted on in the November 6, 2018 General Election to the City Attorney for the preparation of an impartial analysis in compliance with applicable laws of the State of California.
- 7) The City Council authorizes the Mayor to file a written argument in favor of the ballot proposition with the County, on behalf of the full City Council not to exceed 300 words. At the discretion of the Mayor, the argument may be signed by members of the Council, representatives of bona fide associations or by individual voters who are eligible to vote for the ballot measure.
- 8) In the event that an argument is filed against the measure, the Mayor is also authorized to submit a rebuttal argument on behalf of the City Council, which may also be signed by members of the Council, or by representatives of bona fide associations or by individual voters who are eligible to vote on the measure, which may be different from those who signed the primary argument.
- 9) The City Clerk shall submit the proposed measure to the appropriate officials of the Elections office of the County of Madera, California; along with all other required supporting documents, so as to cause the measure to be included on the ballot for voters of the City of Chowchilla on the November 6, 2018 General Election.
- 10) The City Clerk shall certify passage and adoption of this resolution and shall enter it into the official recorded actions of the City Council of the City of Chowchilla.

PASSED AND ADOPTED by the City Council of the City of Chowchilla this 31st day of July, 2018 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Dennis Haworth, Mayor

ATTEST:

Joann McClendon, CMC
City Clerk