

MAR 06 2018

RESOLUTION NO. 2753 - 2018

M
By [REDACTED]
DEPUTY CLERK

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION TO BE HELD ON JUNE 5, 2018 FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE TOWN OF PORTOLA VALLEY A BALLOT MEASURE TEMPORARILY REDUCING THE UTILITY USERS TAX RATE

WHEREAS, in 2006, the voters of the Town of Portola Valley ("Town") voted to temporarily reduce the Utility Users Tax ("UUT") levied on telephone, gas, water and electricity, set forth in Chapter 3.32 of the Portola Valley Municipal Code, from 5.5 percent to 4.5 percent until June 30, 2010;

WHEREAS, in 2009, the voters of the Town voted to extend the temporary reduction in the UUT for another four years until June 30, 2014;

WHEREAS, in 2013, the voters of the Town voted to further extend the temporary reduction in the UUT for another four years until June 30, 2018;

WHEREAS, the fiscal state of the Town is heathy and it is anticipated to remain that way for quite some time; and

WHEREAS, the Town desires to submit to the voters of the Town a ballot measure to authorize the extension of the reduced 4.5 percent UUT on an additional five year basis.

NOW, THEREFORE, the Town Council of the Town of Portola Valley does **RESOLVE** as follows:

1. A special election is hereby called and ordered to be held in the Town of Portola Valley, State of California, on June 5, 2018, for the purpose of submitting to the qualified voters of the Town the following ballot measure, sponsored by the Town Council pursuant to Section 9222 of the Elections Code:

Temporary Tax Reduction: Shall the ordinance be adopted to amend Chapter 3.32 of the Portola Valley Municipal Code to reduce the general purpose Utility Users Tax levied on telephone, gas, water and electricity, from 5.5 percent to 4.5 percent, for a period of five years with authority given to the Town Council to further reduce the tax rate by resolution?	YES
	NO

2. The full text of the ordinance to be adopted if the ballot measure set forth in Section 2 above is approved by the voters is attached hereto as Exhibit A and shall appear in the Voter Information Pamphlet.

3. If, at the election, the ballot measure set forth in Section 1 above is approved by the voters, Chapter 3.32 [Telephone, Gas, Water and Electricity Users' Tax] of the Portola Valley Municipal Code shall be amended as set forth in the ordinance attached hereto as Exhibit A. Pursuant to Election Code Section 9223, the Town Clerk of the Town of Portola Valley shall cause the attached ordinance to be printed and shall make a copy of the ordinance for any voter upon request.

4. Pursuant to Elections Code Section 10400, the special election is hereby ordered consolidated with the statewide primary election conducted by the County of San Mateo, which will be held on June 5, 2018. The elections hereby consolidated shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

5. Pursuant to Elections Code Section 10403, the Town Council hereby requests the Board of Supervisors of the County of San Mateo to make available the services of the Registrar of Voters for the purpose of providing the usual services necessary to conduct a consolidated municipal election, including the provision of elections supplies and voter pamphlets. The Town Council recognizes that additional costs may be incurred by the County by reason of these services and agrees to reimburse the County for these costs.

6. The election on this measure shall be held, voting precincts (if applicable) designated, ballots printed, vote centers opened and closed, ballots counted and returned, returns canvassed, the returns made, and a result ascertained and determined, and all other proceedings conducted in connection with the election, under the regulations of the Registrar of Voters of the County of San Mateo, in accordance with the provisions of the law governing municipal elections in general law cities.

7. Ballots for said election shall be provided in the form and to the number provided by law. On said ballots, in addition to any other printed matter which may be required by law, two voting spaces shall be set off to the right of the ballot measure, in the manner provided by law, one having the word "YES" printed before it and the other having the word "NO" printed before it.

8. Direct arguments for and against the measure shall not exceed 300 words, shall be filed with the Town Clerk no later than 5:00 p.m. on March 16, 2018, and shall otherwise be in accordance with Section 9280 *et. seq.* of the Elections Code.

9. The Town Attorney shall be directed to provide an impartial analysis not to exceed 500 words of this measure in accordance with Elections Code Section 9280 and to submit that to the Town Clerk for transmittal to the Registrar of Voters no later than 5:00 p.m. on March 26, 2018.

10. Rebuttal arguments are permitted in accordance with Sections 9220 and 9285 of the Elections Code. Rebuttal arguments shall not exceed 250 words and shall be filed with the Town Clerk no later than 5:00 p.m. on March 26, 2018.

11. The Town Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment that may be necessary in order to properly and lawfully conduct the election.

12. If, at the election, a majority of the votes cast on the measure are in favor of the measure, then the measure shall be deemed to have been accepted and approved by the voters upon the date that the vote is declared by the Town Council and shall go into effect 10 days after that date, pursuant to Section 9217 of the Elections Code.

PASSED AND ADOPTED this 28th day of February 2018.


B
Mayor

ATTEST:

Town Clerk

Full text starts

Exhibit A

ORDINANCE OF THE TOWN OF PORTOLA VALLEY AMENDING SECTION 3.32.075 [REDUCTION IN GENERAL TAX] OF CHAPTER 3.32 [TELEPHONE, GAS, WATER AND ELECTRICITY USERS TAX] OF TITLE 3 [REVENUE AND FINANCE] OF THE PORTOLA VALLEY MUNICIPAL CODE

WHEREAS, the citizens of the Town of Portola Valley wish to maintain the reduced 4.5 percent Utility User Tax imposed on all users of telecommunications, gas, water and electricity for an additional five years while providing the Town Council authority to further reduce the tax rate in the Council's discretion.

NOW, THEREFORE, the citizens of the Town of Portola Valley do **ORDAIN** as follows:

1. **Amendment of Code.** Section 3.32.075 [Reduction in General Tax] of Chapter 3.32 [Telephone, Gas, Water and Electricity Users' Tax] of Title 3 [Revenue and Finance] of the Portola Valley Municipal Code is hereby amended to read as follows:

3.32.075 Temporary Reduction in General Tax and Reinstatement of Tax Without Election

A. The five and one-half percent general taxes imposed on telephone users set forth in Section 3.32.040, electricity users set forth in Section 3.32.050, gas users set forth in Section 3.32.060, and water users set forth in Section 3.32.070 are each reduced to four and one-half percent for a period of five years from July 1, 2018 through June 30, 2023. On July 1, 2023, the tax rate shall automatically revert back to five and one-half percent without voter approval or Town Council action.

B. Beginning on July 1, 2020, the Town Council may in its absolute discretion, by resolution and upon a majority vote of the Council, temporarily further reduce the tax percentage in Sections 3.32.040 through 3.32.070 for a period not to exceed twelve (12) months. The Tax Administrator shall implement the temporary tax reduction by giving sixty (60) day written notice to all affected service suppliers as required by Public Utilities Code Section 799. At the end of the temporary tax percentage reduction period, the four and one-half percent (4.5 %) rate specified in Section 3.32.075 shall be automatically reinstated without further notice or action by the City Council. No further temporary reduction period authorized under this Section shall apply past June 30, 2023.

C. Nothing herein shall prohibit the Town Council from adopting consecutive temporary tax percentage reductions, as provided herein, or from rescinding previously approved temporary tax percentage reductions.

D. As stated in Government Code Section 9611, the enactment of a temporary tax percentage reduction by the Town Council shall not constitute a repeal of one (1) or more of the original provisions of this chapter. Upon the expiration of the time of the temporary tax percentage reduction, the original provisions of this chapter shall have the same force and effect as if the temporary tax percentage reduction had not been enacted. Nothing herein is intended to constitute a decrease in a tax, or an increase in a tax requiring election approval under California Constitution Article XIII C; and to the extent that any aspect of a temporary tax percentage reduction is found to invoke such a requirement, the entire temporary tax percentage reduction shall be deemed null and void ab initio, and there shall be no entitlement to such tax reduction for any service user.

2. **Environmental Review**. This ordinance is not a project for the purpose of the California Environmental Quality Act.

3. **Effective Date; Posting**. The effective date of this ordinance shall be 10 days after the date the Town Council declares the results of the election at which the ballot measure regarding this ordinance is adopted by a majority vote of the electors voting on the measure.

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