

RESOLUTION NUMBER 6209

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2023, FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY A PROPOSED ORDINANCE ADDING CHAPTER 3.42 TO TITLE 3 OF THE CITY OF PERRIS MUNICIPAL CODE ESTABLISHING A SPECIAL BUSINESS LICENSE TAX ON DISTRIBUTION FACILITIES AND CERTAIN INDUSTRIAL BUSINESSES; AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO CONSOLIDATE THE SPECIAL MUNICIPAL ELECTION ON NOVEMBER 7, 2023 WITH THE ELECTION TO BE HELD ON THE SAME DATE AND/OR TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF THE SPECIAL ELECTION AS NECESSARY

WHEREAS, over the last 15 years the number of large distribution facilities and certain industrial businesses located within the City of Perris (“City”) has grown rapidly, with additional projects proposed or currently under review; and

WHEREAS, the tremendous growth and operation of such facilities has in turn increased the amount of vehicle traffic and created other impacts, and has strained the City’s ability to maintain City streets and related facilities, such that the City Council finds it necessary to submit to the voters a ballot measure to establish a tax on distribution facilities and certain industrial businesses; and

WHEREAS, the City Council desires to propose an ordinance to add Chapter 3.42 to Title 3 of the Perris Municipal Code to establish, for 30 years, an annual special business license tax on distribution facilities and certain industrial businesses in the amount of up to 10.7 cents (\$0.107) per square foot for space principally utilized for distribution facility or industrial business purposes, for the purpose of raising revenue for the construction, improvement, operation, maintenance, repair and/or restoration of Perris public streets, roadways, sidewalks, roadway lighting, storm drains, traffic signals or other public improvements (“Measure”); and

WHEREAS, the Measure’s proposed tax rate of up to 10.7 cents (\$0.107) per square foot for space principally utilized for distribution facility or industrial business purposes would also be annually adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers (CPI – U) for the Riverside-San Bernardino-Ontario area. In the event that there is no change or there is a percentage decrease in such Consumer Price Index in any given year, then the business license tax established by this chapter shall be unchanged; and

WHEREAS, for the purposes of the Measure, “industrial business” is defined as “a business consisting primarily of indoor or outdoor storage of large trucks or a business consisting primarily of indoor or outdoor manufacturing activity with large truck activity”;

WHEREAS, pursuant to Section 9222 of the California Elections Code and Section 37101 of the California Government Code, the City Council has the authority to place a measure on the ballot regarding the imposition, extension or increase in a local business license tax to be considered by the voters at a Municipal Election; and

WHEREAS, the Measure is a special tax, the proceeds of which must be used solely for the construction, improvement, operation, maintenance, repair and/or restoration of Perris public streets, roadways, sidewalks, roadway lighting, storm drains, traffic signals or other public improvements; and

WHEREAS, based on the above, the City Council desires to submit the Measure to the voters at the November 7, 2023, Special Municipal Election for consideration. The specific terms relating to the Measure are provided for in the ordinance attached hereto as Exhibit “A”, and in accordance with all applicable laws; and

WHEREAS, pursuant to Government Code section 53724 (“Proposition 62”), a majority vote of all members of the City Council is required to place the Measure on the November 7, 2023 ballot; and

WHEREAS, notice of the June 13, 2023, public hearing concerning the Measure was posted on June 6, 2023 at Perris City Hall, Perris Senior Center and Cesar Chavez Library and provided electronically to businesses that would be affected by the Measure; and

WHEREAS, a public hearing concerning the Measure was held on June 13, 2023; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with any other local election to be held on the same date, and that within the City the precincts, polling places, voting centers and election officers of the two elections be the same, and that the Riverside County election department canvass the returns of the Special Municipal Election and that 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 services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City;

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

Section 1. The foregoing recitals are true and correct and are incorporated herein as if set forth in full.

Section 2. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is hereby called and ordered to be held in the City of Perris, California, on Tuesday, November 7, 2023, a Special Municipal Election for the purpose

of submitting to the qualified voters a Measure proposing the establishment of an annual special business license tax on distribution facilities and certain industrial businesses at the rate of \$0.107 for space principally utilized for distribution facility or industrial business purposes for 30 years, which is anticipated to provide approximately \$4,019,315 annually to be used solely for the construction, improvement, operation, maintenance, repair and/or restoration of Perris public streets, roadways, sidewalks, roadway lighting, storm drains, traffic signals or other public improvements. The Measure’s proposed tax rate of up to 10.7 cents (\$0.107) per square foot for space principally utilized for distribution facility or industrial business purposes would also be annually adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers (CPI – U) for the Riverside-San Bernardino-Ontario area. In the event that there is no change or there is a percentage decrease in such Consumer Price Index in any given year, then the tax rate would be unchanged. As required by Elections Code Section 13247, the abbreviated form of the Measure to appear on the ballot is specified below in Section 3 of this Resolution. The City’s designated elections official is hereby authorized and directed to make any changes to the text of the proposition or this resolution, including its exhibits, as required to conform to any requirements of law.

Section 3. That the City Council, pursuant to its right and authority, hereby orders submitted to the voters at the Special Municipal Election to be held on Tuesday, November 7, 2023, the following question:

Shall the measure, establishing, for 30 years, an annual special business license tax of up to \$0.107 per square foot (subject to annual CPI adjustments) on distribution facilities, large truck storage businesses, and manufacturing businesses with large truck activity, annually collecting approximately \$4,019,315 to be used solely for construction, improvement, operation, maintenance, repair and/or restoration of Perris public streets, roadways, sidewalks, roadway lighting, storm drains, traffic signals or other public improvements, be adopted?	YES
	NO

Section 4. That the text of proposed ordinance to be submitted to the voters as the proposed Measure is attached as Exhibit “A” to this resolution (“Ordinance”).

Section 5. The method of tax collection and all aspects of the application and operation of any tax levied pursuant to the adoption of the ordinance known shall be as provided for in the Ordinance and/or as authorized in the Perris Municipal Code.

Section 6. As a special tax, the vote requirement for the Measure to pass is 2/3 of the votes cast.

Section 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 8. Pursuant to the requirements of Sections 10402 and 10403 of the Elections Code, the Riverside County Board of Supervisors is hereby requested to approve the consolidation of the Special Municipal Election with the election conducted by Riverside County to be held on Tuesday, November 7, 2023, for the purposes of submitting a ballot measure as provided above (as applicable).

Section 9. That pursuant to the provisions of Elections Code Section 10002, the City Council requests the Board of Supervisors to permit the County Election Department to prepare and furnish the services specified in Exhibit B of this Resolution for the purposes of submitting a ballot measure as provided above (as applicable).

Section 10. That the City agrees to reimburse the County of Riverside for services performed by the County of Riverside by reason of this request, when the work is completed and upon presentation and proper approval of a detailed invoice to the City Clerk.

Section 11. That pursuant to Elections Code Section 320, Nancy Salazar, City Clerk, or her designee, is hereby designated as the City of Perris Elections Official for purposes of this election and its related process.

Section 12. That the City Clerk is directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this Resolution.

Section 13. That notice of time and place of holding said Election is given and the City Clerk is authorized, instructed and directed to give such further or additional notice of said Election, in time, form and manner as required by law.

Section 14. Pursuant to California Elections Code section 9295, the Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

Section 15. The adoption of this Resolution is exempt from the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 et seq. ("CEQA Guidelines"). The calling and noticing of a Municipal Election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guideline Section 15378 because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

Section 16. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

Section 17. That the City Clerk is authorized, instructed and directed to coordinate with the Registrar of Voters of the County of Riverside ("Registrar") to procure and

furnish any and all official ballots which shall be in a form and content as required by law, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election; and, further that, pursuant to the consolidation request herein, the City of Perris requests the Registrar to perform, and which such officer is hereby authorized and directed to perform, the following specified services: the preparation, printing and mailing of sample ballots and polling place (vote center) cards; the establishment or appointment of precincts, polling places (vote centers) and election officers; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places (vote centers); and the performance of such other election services as may be requested by the City Clerk which may be necessary in order to properly and lawfully conduct the said Election, as more specifically detailed in Exhibit B of this Resolution. That the polls (vote centers) for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls (vote centers) shall be closed, pursuant to Election Code § 10242, except as provided in §§ 14212, 14401 of the Elections Code of the State of California.

Section 18. That in all particulars not recited in this Resolution, said Election, if consolidated, shall be held and conducted as provided by law for holding municipal elections in the City and that pursuant to Elections Code sections 10403 and 10418, the City Council hereby acknowledges that the consolidated election shall be held and conducted in the manner prescribed in Elections Code section 10418 and in accordance with the provisions of law regulating the consolidated election;

Section 19. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Registrar of Voters of the County of Riverside.

Section 20. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions of the City of Perris; and shall make a minute of passage and adoption thereof in the records of the proceedings of the City Council of the City of Perris, in the minutes of the meeting at which same is passed and adopted.

ADOPTED, SIGNED and APPROVED this 13th day of June, 2023.

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 6209 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held 13th day of June, 2023, by the following called vote:

AYES: NAVA, CORONA, RABB, ROGERS, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Nancy Salazar, City Clerk

Exhibit A
Ordinance Number 1429

Exhibit B

Detailed list of services to be provided by the Riverside County Registrar of Voters:

- 1) Prepare all up-to-date election process forms.
- 2) Provide signature verification services as needed.
- 3) Prepare sample ballot materials including translations for review by the City Clerk, prior to distribution.
- 4) Print and distribute sample ballots to all qualified City of Perris registered voters.
- 5) Establish polling places (vote centers) for voting precincts.
- 6) A listing of county precincts with number of registered voters in each, so the City may consolidate election precincts into City voting precincts, and maps of the voting precincts.
- 7) Provide voting equipment, ballot boxes, ballots, and all other necessary supplies and paraphernalia, for each established polling place (vote center).
- 8) Select, train and issue payment to poll workers and alternate poll workers as required by law for each polling place (vote center) established. The City shall have the opportunity to review the final list of poll workers assigned to serve in City precincts.
- 9) Provide training for "Range Inspectors" hired by the County to provide technical support on Election Days.
- 10) Provide an alphabetical listing of each voter in the City, including their appropriate polling place (vote center) location, on CD if available.
- 11) Provide the necessary voter registration lists for all polling (vote center) locations.
- 12) Publish and post required notices regarding polling places (vote centers) and poll workers.
- 13) Provide the County tabulation equipment and the qualified and trained County personnel to operate the same.
- 14) Provide County personnel for security during the ballot counting and tabulation process.
- 15) Provide sufficient personnel to deliver, process, count and tabulate the ballots on the night of the special municipal election.
- 16) Distribute, receive and process all vote by mail ballots.
- 17) Distribute, receive and process all provisional ballots.
- 18) Prepare and deliver the election returns of the votes cast at the special municipal election to the Perris City Clerk, to enable the City Clerk to canvass the returns and declare the results.
- 19) Provide voting precinct maps for use by the City Clerk's Office and City poll workers, in assisting voters to determine their precinct polling (vote center) locations.
- 20) Provide such other necessary election equipment, materials and assistance as needed according to state law.
- 21) Provide an itemized written invoice no later than April 30, 2024.