

RESOLUTION NO. 4228

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 3, 2009, FOR THE SUBMISSION TO THE QUALIFIED VOTERS THE PERRIS 2009 PUBLIC SAFETY TAX MEASURE

WHEREAS, the City Council of the City of Perris (the "Council") recognizes that it is necessary and desirable that the City of Perris (the "City") levy a parcel tax within the City to provide additional funding for general city expenditures, which may include critical police and fire protection services; and

WHEREAS, the parcel tax shall be designated as the Perris 2009 Public Safety Tax Measure ("Measure"); and

WHEREAS, the Measure is a general tax not exclusively dedicated to any purpose but may be used by the City in its general funding budget for any and all necessary expenses; and

WHEREAS, the Council deems it necessary and essential to submit the question of the Measure to qualified voters within the City at a special election to be held on November 3, 2009 as a result of the current statewide economic crisis; and

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

Section 1. Pursuant to the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Perris, California on Tuesday, November 3, 2009, a Special Municipal Election for the purpose of submitting to the voters of the City, the measure specified in Sections 2 and 3, below. The collection of a parcel tax as a general tax is hereby proposed pursuant to Article XIIC, Section 2(b) of the California Constitution and Government Code Sections 53723 and 53724. Pursuant to Government Code Section 53724(d) and Elections Code Section 9222, it is the intent of the City Council that the measure be submitted to the voters of Perris at the aforementioned Special Municipal Election.

Section 2. The City Council hereby finds and declares by a unanimous vote that a fiscal emergency now exists in the City due to the statewide budget crisis which will impact the municipal revenue necessary to provide an acceptable level of municipal services for Perris residents. As described in the staff report accompanying this resolution, and incorporated by reference herein, the City currently faces an approximately \$ 5 million shortfall where anticipated expenditures exceed revenue. Due to the national housing market collapse and other recessionary indicators, other City revenue sources, such as property tax and sales tax revenue, are likely to decrease. Furthermore, given the state budget crisis and additional anticipated cuts in funding for local services, a continuing level of local revenue is immediately needed to fund a

level of municipal services required to properly protect the public health, safety, and welfare. There is no scheduled regular municipal election prior to November of 2010. Given the existence of such a fiscal emergency situation and the requirements of the stipulation, pursuant to Article XIII C Section 2(b) of the California Constitution, the City Council hereby orders that the following measure be submitted to the voters at a special election, rather than the next regular municipal election:

Measure __: Perris 2009 Public Safety Tax Measure: Shall the 2001-3 Community Facilities District (CFD) tax be eliminated; and in order to preserve the safety and character in all neighborhoods in the City of Perris through general City services which may include fire protection, paramedic services, law enforcement, gang suppression, crime and drug intervention, local job creation and retention, and graffiti removal, shall a citywide parcel tax be established?	YES
	NO

Section 3. The type of tax is a parcel tax, as described in more details in Exhibit “A,” attached, which is imposed on all types of real property in the City, to the extent permitted by state and federal law. The rate of the tax shall be as indicated on Exhibit “A.”

Section 4. The City Council of the City of Perris further does resolve, declare and order:

(a) That notice of time and place of holding said election is hereby given and the City Clerk is hereby authorized, instructed and directed to give such further or additional notice of said election in the time, form and manner as required by California law.

(b) That the City Council authorizes the City Clerk to administer said election, including but not limited to, contracting with the County of Riverside and any consultant necessary to assist with conducting the election, and otherwise take all reasonably necessary steps to ensure the proper handling and conduct of the special election authorized by this resolution, and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

(c) That upon presentation of this Resolution to the County of Riverside, this Resolution shall constitute a request to the County Board of Supervisors and County elections official to consolidate this election with any other election being held within the jurisdiction on the same date, and for provision of services which may include preparation and printing of election materials, use of County lists of registered voters, distribution of ballots, and counting of votes, and any other election-related services.

(d) That this resolution shall be effective immediately upon passage and adoption.

PASSED, APPROVED, AND ADOPTED this 9th day of June, 2009, at the City of Perris, County of Riverside.

Mayor, Daryl R. Busch

ATTESTED:

City Clerk, Judy L. Haughney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PERRIS)

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4228 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 9th day of June, 2009, by the following called vote:

AYES:	COUNCILMEMBERS:	Evans, Rogers, Yarbrough, Landers, Busch
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

City Clerk, Judy L. Haughney

EXHIBIT "A"

CITY OF PERRIS

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF PERRIS
ADOPTING THE CITY OF PERRIS 2009 PUBLIC SAFETY
TAX MEASURE**

WHEREAS, on November 3, 2009, the voters of the City of Perris approved Measure _____; and

WHEREAS, on _____, the Perris City Council declared the results of the election held on November 3, 2009, in which Measure _____ was approved by the voters of the City of Perris.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF PERRIS DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Title. This ordinance shall be known and may be cited as the City of Perris 2009 Public Safety Tax Measure.

Section 2. Annual Tax. Commencing with the Fiscal Year 2009-2010, an annual tax to raise general fund revenue is hereby imposed upon each "Eligible Property" within the City. "Eligible Property" within the City shall mean any parcel of unimproved property or improved real property, including, but not limited to any commercial and industrial property, any single family residential unit, multifamily residential unit, condominium units, vacant or agricultural land or any other unit of real property subject to the California Subdivided Lands Act (Business and Professions Code Sections 11000, *et seq.*) to which fire and police protection services are made available.

Section 3. Purpose. The purpose of this Parcel Tax is to raise revenue for general fund expenditures. Examples of some general fund expenditures includes: obtaining, providing, operating, maintaining and expanding essential fire and police protection services facilities and equipment; paying the salaries and benefits to fire protection and police personnel; and for such services, expenses, capital improvements and other general city expenses, as determined by the City Council within the Council discretion for general fund expenditures.

Section 4. Special Account. Upon the effective date of this Parcel Tax, the City's Finance Director is hereby directed to create a separate account into which all revenue raised by the Parcel Tax shall be placed. The City's Finance Director shall report to the City Council the collection of revenues and shall deposit funds into the City of Perris general fund as necessary.

Section 5. Amount of Tax. For the initial Fiscal Year, July 1, 2009 through June 30, 2010 (the "Base Year"), the Parcel Tax shall be levied upon Eligible Property in the following amounts, herein called the "Base Year Amount":

Tax Classification	EDU per Unit/Acre	Rate per EDU	Maximum Rate per Unit/Acre
Single-Family Unit	1.0	\$135.88	\$135.88
Multi-Family Unit	1.0	\$135.88	\$135.88
Non-Residential Parcel	4.0	\$135.88	\$543.52
Vacant SFR Lot	0.5	\$135.88	\$67.94
Vacant Acreage	Various	\$135.88	Various*

*Vacant Acreage is levied at .50 EDU per Acre for the first 10 Acres, plus .25 EDU per Acre for Acres between 10 and 50, plus .10 EDU per Acre for Acreage above 50 to a maximum of 20 EDU. Anything above 100 Acres is not assigned an additional EDU. The maximum tax per parcel of Vacant property based on the Rate per EDU calculated above is \$2,842.

For the Fiscal Year July 1, 2010 through June 30, 2011, the maximum annual amount of the Parcel Tax for each category of property shall be determined by multiplying the Base Year Amount by an inflation factor of two percent (2.0%). In each succeeding year, the maximum amount of the Parcel Tax for each category of property shall be determined by multiplying the preceding fiscal year's maximum Parcel Tax by an inflation factor of two percent (2.0%).

The Council shall establish the amount of the Parcel Tax annually by Resolution each fiscal year in amounts not to exceed the maximum amounts specified herein. In no case shall the amount of the Parcel Tax to be levied in any fiscal year exceed the maximum amount authorized herein without an approval of the voters.

Section 6. Exemptions. The Parcel Tax shall not be imposed upon a federal or state governmental agency, any local public agency, or any parcel of property which is exempt from ad valorem taxes under any other applicable law.

Section 7. Credits for Community Facilities Districts. Eligible Property located within CFD 2001-3 (North Perris Public Safety) and CFD No. 1-S (South Perris Public Services) and subject to a CFD Tax shall be relieved of the duty to pay the CFD Tax, in its entirety, in any year in which the complete Parcel Tax is paid for that property. The intent of this paragraph is to ensure that properties subject to both the Parcel Tax and the CFD Tax shall not be responsible for paying both, and paying in full the Parcel Tax relative to such property will result in a cancelation of that year's CFD Tax obligation. Nothing in this paragraph shall be construed as canceling the obligation to pay CFD Tax if the taxpayer fails to pay on time and in full the Parcel Tax owed, or if the Parcel Tax for any reason is repealed or set aside.

Section 8. Method of Collection. The City of Perris hereby directs the Treasurer and Tax Collector of the County of Riverside to collect the Parcel Tax authorized herein for the initial Fiscal Year 2009-2010 and for subsequent fiscal years, on the same tax roll at the same time and in the same manner, and subject to the same penalties as the property taxes fixed and collected by the County of Riverside (the "County") on behalf of the City of Perris. The County may deduct its reasonable costs incurred for such services before remittal to the City.

The Parcel Tax, together with all penalties and interest thereon, shall constitute a lien upon each parcel of Eligible Property upon which it is levied until it has been paid, and said Parcel Tax, together with all penalties and interest thereon, shall, until paid, constitute a personal obligation to the City by the person(s) who own the parcel of property on the date said Parcel Tax is due.

Section 9. Unexpended Revenue. Any surplus moneys raised by the City from the Parcel Tax may in the discretion of the Council be (i) used in the succeeding year for the purposes stated in this Ordinance; or (ii) used for lowering the succeeding year's levy of the Parcel Tax by the amount of the surplus or a portion thereof; or (iii) returned in a proportionate amount to owners of the Eligible Property at the time such Parcel Tax was paid.

Section 10. Amendment. This Ordinance may be amended by the City Council only if to reduce the amount of the tax rate or to clarify the intent and administration of the Parcel Tax. No other amendment shall be permitted except by a vote of the people of Perris.

Section 11. Effective Date. The special election to approve the Parcel Tax shall take place on November 3, 2009. The Parcel Tax shall become effective upon passage of this Ordinance by a majority vote of the electorate of the City voting in the election as certified by this Council and the City Clerk in accordance with state law.

Section 12. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part thereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

I hereby certify that Ordinance No. _____ was passed, approved and adopted by the People of the City of Perris, California, voting on the 3rd day of November, 2009.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 2009.

Mayor

ATTEST:

City Clerk