

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CALLING FOR THE SUBMISSION TO THE VOTERS OF THE CITY AT THE NOVEMBER 5, 2024, CONSOLIDATED GENERAL ELECTION, A PROPOSED LOCAL MORENO VALLEY ESSENTIAL SERVICES REAUTHORIZATION MEASURE TO ENACT A ONE-CENT (1¢) GENERAL TRANSACTIONS AND USE TAX (SALES TAX) TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION ON BEHALF OF THE CITY OF MORENO VALLEY

WHEREAS, Elections Code section 9222 authorizes the City Council to submit to the voters, without a petition, a proposition (measure) for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular election, and if the proposition (measure) is approved by the requisite number of votes cast on the measure at the election, the ordinance shall be repealed, amended, or enacted accordingly; and

WHEREAS, Elections Code section 9222 further provides that such a proposition (measure) may be submitted to the voters by ordinance or resolution, provided the election is held not less than 88 days after the date of the order of election; and

WHEREAS, consistent with Elections Code section 9222, the Riverside County Registrar's General Election Calendar indicates that August 9, 2024, is the last day to submit a resolution calling for a measure to be submitted to the Registrar of Voters for inclusion on the November 5, 2024, Consolidated General Election ballot; and

WHEREAS, pursuant to Article XIII C, section 2 of the California Constitution ("Proposition 218"), cities are authorized to levy a "Transactions and Use Tax" for general purposes pursuant to Revenue and Taxation Code section 7285.9, if proposed by a two-thirds vote of all members of the governing body (city council) and approved by a majority vote of the electorate at a regularly scheduled general election for members of the governing body of the local government (city council); and

WHEREAS, the November 5, 2024, Consolidated General Election is also the City's regularly scheduled general election for members of the Moreno Valley City Council; and

WHEREAS, although transactions and use taxes are, in common parlance, considered "sales taxes," the California Department of Tax and Fee Administration (CDTFA), which administers local sales taxes, refused to administer the one-cent sales tax approved by the voters in 2021, since CDTFA opined that the former sales tax proposal (measure), albeit approved by the voters, constituted a sales tax under the Bradley-Burns Uniform Local Sales and Use Tax Law, as set forth in Revenue and

Taxation Code sections 7200-7226, rather than a sales tax under the Transactions and Use Tax Law as set forth in Revenue and Taxation Code sections 7251 - 7279.6; and

WHEREAS, in order to resolve the dispute with CDFTA, the City believes it is prudent to seek reauthorization of the one-cent (1¢) sales tax previously approved by the voters in 2021, rather than to proceed with expensive and lengthy litigation with the state to enforce compliance with the will and intent of the voters of the City of Moreno Valley, as expressed in their 2021 vote approving the proposed one-cent (1¢) sales tax measure; and

WHEREAS, in light of the foregoing, it has been recommended that the City Council place a measure on the November 5, 2024, Consolidated General Election ballot that will ask the voters to reauthorize the enactment of the previously approved one-cent (1¢) sales tax, but this time, under the Transactions and Use Tax Law as set forth in Revenue and Taxation Code sections 7251 - 7279.6, rather than under the Bradley-Burns Uniform Local Sales and Use Tax Law, as set forth in Revenue and Taxation Code sections 7200-7226.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. INTENT

That pursuant to Government Code section 53724(d) and Elections Code section 9222, it is the intent of the City Council that the ballot question (measure) described herein be submitted to the voters of Moreno Valley on the November 5, 2024, Consolidated General Election ballot, since November 5, 2024, is also the City's regularly scheduled general election.

Section 2. BALLOT QUESTION

That the question to be submitted to the voters on the November 5, 2024, Consolidated General Election ballot shall be as follows:

Moreno Valley Essential Services Reauthorization Measure:	
To maintain critical Moreno Valley services, including 9-1-1 response times, robbery/burglary prevention, neighborhood police patrols/fire service levels; address homelessness; repair streets/potholes; keep public areas safe/clean; help retain businesses; and for general government use, shall the measure establishing a locally-controlled 1¢ transaction and use (sales) tax, first enacted by local voters in 2021, generating approximately \$30,000,000 annually until ended by voters, with audits/spending disclosure, be adopted?	YES
	NO

Section 3. PROPOSED ORDINANCE

That the proposed ordinance the voters are being asked to consider is attached hereto as Exhibit “A” and incorporated herein by this reference and such ordinance shall be printed in the voter pamphlet.

Section 4. VOTER APPROVAL

That pursuant to Elections Code section 9217, upon approval of the ballot measure by the voters, at the November 5, 2024, Consolidated General Election, the proposed ordinance shall become a binding ordinance of the City of Moreno Valley, and shall be considered as adopted upon the date that the vote is declared by the City Council and the ordinance shall go into effect 10 days after that date, albeit pursuant to Revenue and Taxation Code section 7265, the operative date of the additional one percent transactions and use tax shall be April 1, 2025, which is the first day of the first calendar quarter commencing more than 110 days after adoption of the ordinance by the voters on November 5, 2024.

Section 5. RIVERSIDE COUNTY REGISTRAR OF VOTERS

That the City Council of the City of Moreno Valley further resolves, declares and orders as follows:

(a) That the City Clerk is directed to file a certified copy of this Resolution with the Riverside County Board of Supervisors and the Riverside County Registrar of Voters.

(b) That pursuant to Elections Code section 10403, the Riverside County Board of Supervisors is hereby requested to consent and agree to the consolidate the election regarding the ballot measure with the Consolidated General Election that is scheduled to be conducted by Riverside County on Tuesday, November 5, 2024.

(c) That the Riverside County Board of Supervisors is requested to issue instructions to the Riverside County Registrar of Voters to take all necessary steps for holding and conducting the consolidated election.

(d) That the Riverside County Registrar of Voters is hereby authorized to canvass the returns of the election regarding the ballot measure which shall be held in all respects as if there were only one election.

(e) That the City of Moreno Valley recognizes that additional costs will be incurred by Riverside County Registrar of Voters by reason of this consolidation and agrees to reimburse Riverside County for those costs.

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

Section 6. BALLOT ARGUMENTS

Arguments for and against the ballot measure may be filed in accordance with the applicable provisions of law. The City Council does not authorize the Council as a body or any individual member of the City Council to file a written argument or any rebuttal argument for or against the ballot measure. The City Clerk shall consider other written arguments in favor or against the ballot measure filed by bona fide association of citizens or individual residents who are eligible to vote or any combination of voters and associations in accordance with Elections Code sections 9282, 9285 and 9287, that does not exceed 300 words and that shall be distributed to voters in the voter information guide.

Section 7. DEADLINE FOR SUBMISSION OF ARGUMENTS

That arguments in favor or against the ballot measure, each not exceeding 300 words in length, shall be filed with the City Clerk of the City of Moreno Valley on or before August 19, 2024, after which rebuttable arguments, not exceeding 250 words in length, may be filed no later than August 29, 2024, after which no further arguments for or against the measure may be submitted to the City Clerk.

Section 8. CITY ATTORNEY ANALYSIS

That the City Clerk is hereby directed to transmit a copy of the ballot measure and proposed ordinance to the City Attorney, who shall prepare an Impartial analysis of the ballot measure by August 19, 2024, showing the effect of the ballot measure on existing law and the operation of the ballot measure in accordance with Elections Code section 9280, which shall not exceed 500 words in length.

Section 9. PUBLIC INSPECTION

That the City Clerk shall make available for public inspection: (a) the arguments filed for or against the ballot measure and the City Attorney's Impartial Analysis during the period commencing August 20, 2024, and ending on August 29, 2024, and (b) the rebuttal arguments during the period commencing August 30, 2024, and ending on September 8, 2024.

Section 10. EFFECTIVE DATE

That this Resolution shall take effect upon its adoption.

Section 11. CERTIFICATION

That the City Clerk shall certify the passage of this Resolution and enter it into the book of original resolutions.

APPROVED AND ADOPTED this 6th day of August 2024.

Ulises Cabrera
Mayor
City of Moreno Valley

ATTEST:

M. Patricia Rodriguez
Acting City Clerk
City of Moreno Valley

APPROVED AS TO FORM:

Steven B. Quintanilla
City Attorney
City of Moreno Valley

RESOLUTION JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, M. Patricia Rodriguez, Acting City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2024-_____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 6th day of August 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

M. PATRICIA RODRIGUEZ, ACTING CITY CLERK

(SEAL)