

RESOLUTION 2019-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON NOVEMBER 5, 2019; ORDERING THE SUBMISSION OF A SPECIAL TAX MEASURE FOR THE PRESERVATION, MAINTENANCE AND ENHANCEMENT OF EL CERRITO'S PARKS AND RECREATION FACILITIES TO QUALIFIED VOTERS OF THE CITY AT SAID ELECTION; DIRECTING THE FILING OF AN IMPARTIAL ANALYSIS AND AUTHORIZING WRITTEN ARGUMENTS CONCERNING THE BALLOT MEASURE; AND REQUESTING CONTRA COSTA COUNTY BOARD OF SUPERVISORS CONSENT TO THE CONSOLIDATION OF SAID ELECTION WITH OTHER ELECTIONS TO BE HELD ON THE SAME DATE, AND DIRECT THE REGISTRAR OF VOTERS TO CONDUCT THE ELECTION

WHEREAS, El Cerrito residents highly value the preservation and maintenance of El Cerrito's parks and recreation facilities as prominent aspects of quality of life and a high priority for the City to ensure access to a wide variety of recreational opportunities within the City including both public park and open space areas that also help protect our local environment; and

WHEREAS, the City maintains 16 City parks, one greenway, two special-use open spaces, the Swim Center, and 15 recreation buildings. The City maintains and operates 175 acres of parkland, of which 102 acres remain dedicated open space. Many acres of parkland, including the Madera Hillside portion of the Hillside Natural Area, the Dorothy Rosenberg Memorial Park, and Centennial Park are relatively new acquisitions and enhancements to El Cerrito's park system with no additional resources available for their maintenance; and

WHEREAS, the City Council adopted the Parks and Recreation Facilities Master Plan on April 2, 2019 to identify community priorities, document deferred maintenance needs, and develop a funding strategy to implement its recommendations. The Master Plan identified the need for an additional \$550,000 in landscape management funding, \$250,000 for facility maintenance, and over \$38 million dollars in deferred maintenance and enhancement; and

WHEREAS, El Cerrito, like all California cities, has faced declining revenues to address infrastructure and maintenance needs and fund enhancements to parks, recreation facilities, open space areas and trails; and

WHEREAS, without a dedicated source of funding to invest in maintenance and enhancement needs El Cerrito will be unable to fully address maintenance responsibilities in its parks and recreation facilities; and

WHEREAS, in 2000 voters in El Cerrito passed Measure A, a 20-year parcel tax that enabled the City to secure bonds to rebuild the El Cerrito Swim Center, renovate the Canyon Trail Clubhouse, and implement access improvements to the bathrooms at Harding, Huber and Poinsett Parks. In 2007 the City Council authorized excess proceeds to create a capital replacement and enhancement fund, consistent with the provisions of

the voter approved Measure A, that, among other projects, funded significant and necessary capital equipment replacement and energy efficiency projects saving the City's General Fund over \$2.2 million in 10 years; and

WHEREAS, it is a priority of the City Council as identified in the City's Strategic Plan, to rehabilitate public facilities as community focal points, identify and pursue funding sources and to develop financing plans to address deferred maintenance of facilities and infrastructure; and

WHEREAS, in addition to the Parks and Recreation Facilities Master Plan, the City has adopted a number of plans resulting in policies for the maintenance and enhancement of City infrastructure and property including the Urban Greening Plan, Climate Action Plan, Ohlone Greenway Master Plan, the Active Transportation Plan and the San Pablo Avenue Specific Plan; and

WHEREAS, this ordinance would create a guaranteed source of local funding for the maintenance and enhancement of El Cerrito's parks and recreation facilities that cannot be taken by the State of California and must be spent locally for El Cerrito residents; and

WHEREAS, revenue from the renewal of Measure A could be used for parks and recreation facilities maintenance and enhancement projects described in the Parks and Recreation Facilities Master Plan. Examples of priority projects identified in the Parks and Recreation Facilities Master Plan include maintaining and improving the swim center pools, locker rooms and restrooms; protecting natural areas, greenways and open space; increasing urban forest and vegetation management including fire hazard reduction; maintaining and improving program space for children, families, adults and seniors; maintaining and improving City parks, paths, and playfields; replacing aging playgrounds and improving safety with new fall surfaces; addressing recreation facilities seismic issues; upgrading irrigation systems to conserve water; and improving trash and litter clean-up. As projects are completed and priorities change and new opportunities arise, the Master Plan may be amended to add or modify projects consistent with the purpose of maintaining and enhancing parks and recreation facilities; and

WHEREAS, the City Council desires to hold an election for the purposes of submitting a special tax measure to the voters for the preservation, maintenance and enhancement of El Cerrito's parks and recreation facilities, including open space and trails; and

WHEREAS, the City of El Cerrito acknowledges the benefits and value to the public health and welfare of providing a wide variety of recreational opportunities to its residents and wishes to improve its commitment to better maintaining its parks and recreation facilities for generations to come; and

WHEREAS, the City Council has the authority to submit this measure to the voters of the City of El Cerrito pursuant to Section (§) 9222 of the California Elections Code and Section 50077 of the California Government Code; and

WHEREAS, other elections may be held in whole or Contra Costa County on the same date, and it is to the advantage of the City to consolidate its municipal election pursuant to Elections Code Sections 10002 and 10400; and

WHEREAS, Elections Code Sections 10002 and 10400 provide that a City Council may request that the Contra Costa County Board of Supervisors consolidate the election with other elections to be held on the same date; and

WHEREAS, Elections Code Section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill to the City by the County Elections Official; and

WHEREAS, the City's boundaries have not changed since the last municipal election; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito as follows:

Section 1. Declaration of Findings. The foregoing recitals are true and correct and incorporated by reference.

Section 2. Election Called. Pursuant to the requirements of the laws of the State of California, there is called and ordered to be held in the City of El Cerrito, California, on Tuesday, November 5, 2019, a special election for submitting to the voters of El Cerrito a special tax measure for the preservation, maintenance and enhancement of El Cerrito's parks and recreation facilities.

Section 3. Ballot Question. The following question shall be submitted to the voters of the City of El Cerrito at a special municipal election to be held on November 5, 2019:

To maintain El Cerrito's quality of life, continuing local control of recreation services/parks, including maintaining/improving: swim center pools, locker rooms/restrooms; city parks, walking paths, playfields/open space; and program space for children, families, adults/seniors; shall a measure be adopted extending the 2000 voter approved measure, with no increase of the current \$58.46 per single family residential unit or other rates, until repealed by voters, providing \$650,000 annually, with all funds benefiting El Cerrito?

The full text of the ordinance to be submitted to the voters for approval, as attached in Exhibit A to this resolution, shall be completely printed in the voter pamphlet. The measure shall not take effect unless and until it is approved by a vote of at least two-thirds of affirmative votes of the voters voting on the question at the election. If the measure is approved, the special tax shall be approved.

Section 4. Approval of Ordinance. The City Council hereby approves the proposed ordinance to be submitted to the voters, attached hereto as Exhibit A. The proposed special tax shall not take effect unless and until the proposed measure is approved by a vote of at least two-thirds of affirmative votes of the voters voting on the question at the election. If approved by voters, the ordinance would authorize the levy of a special tax annually on each parcel of property in the City of El Cerrito, except those parcels exempted from the tax. The tax may be collected by Contra Costa County with and in the same manner as *ad valorem* property taxes, unless the City Council selects an alternative method of collection. The tax rates would be the same as established by voters by the approval of Measure A in 2000: \$58.46 per single family residential unit; \$45.00 per multifamily residential unit; and \$410.00 per acre of non-residential property. Revenue from the tax may be used for the purposes described in the recitals of this resolution and in the attached ordinance.

Section 5. Ballot Format. The ballots to be used at the election shall be in the same form and content as required by law.

Section 6. Impartial Analysis. The City Attorney is hereby directed to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 which shall be filed no later than **July 30, 2019 at 4:00 p.m.**

Section 7. Ballot Arguments. The City Council hereby authorizes the Mayor to submit a ballot argument in favor of the measure, pursuant to Elections Code Section 9282. The last day for filing of primary arguments is **4:00 p.m. on July 30, 2019**. At the Mayor's discretion, the argument may also be signed by members of the City Council or representatives of bona fide associations or by individual voters who are eligible to vote on the measure. 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 City Council or 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.

If more than one argument is submitted on the measure, the city clerk shall select the argument and shall give preference to arguments pursuant to California Elections Code Section 9287.

Section 8. Provisions for Rebuttal Arguments. The provisions of Elections Code Section 9285 shall apply to this election. The last day for filing of rebuttal arguments is **4:00 p.m. on August 6, 2019**.

Section 9. Consolidation of Elections. Pursuant to Elections Code Sections 10400 *et seq.*, the City Council of the City of El Cerrito hereby requests that the Contra Costa County Board of Supervisors consent and agree to the consolidation of the special municipal election with any other elections within Contra Costa County to be held on November 5, 2019 and provide all services necessary to conduct the election and print a ballot question as described in Section 3 of this resolution. The county election

department is authorized to canvass the returns of the special municipal election in accordance with California Election Code Sections 15300 *et seq.* Within the City of El Cerrito, the election precincts, election officers, hours of voting, polling places and voting booths shall in every case be the same as those selected and designated by the Contra Costa County Registrar of Voters; provided that no person not a qualified elector of the City of El Cerrito shall be permitted to vote for the measure placed on the ballot by the City Council. The City Council recognizes that the County will incur additional costs in conducting the election called by this resolution, agrees to reimburse the County for those costs, and authorizes and directs the City Manager or his designee to expend the funds necessary to pay for the costs of conducting the election.

Section 10. Hours of Polling. The polls 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 shall be closed except as provided in Elections Code Section 14401.

Section 11. Other Procedures. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections. The City Council acknowledges that the consolidated election will be conducted in the manner prescribed in Elections Code Section 10418.

Section 12. Notice. The City Clerk is authorized and directed to give notice of the election and notice of measure as required by law. The City Clerk shall file a copy of this resolution with the County Elections Official and the Clerk of the Board of Supervisors forthwith.

Section 13. Compliance with the California Environmental Quality Act. Approval of this resolution is exempt from review under the California Environmental Quality Act (Public Resources Code § 21000 *et seq.* (“CEQA”) and 14 Cal. Code Reg. § 15000 *et seq.* (“CEQA Guidelines”)). The tax to be submitted to the voters by this resolution is a special tax that may only be used for specified governmental purpose(s). As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA 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. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project at the earliest feasible time prior to approval of the project, consistent with CEQA Guidelines Sections 15004 and 15352. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at the regular meeting on July 16, 2019 the El Cerrito City Council passed this resolution by the following vote:

AYES: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman
and Quinto

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

IN WITNESS of this action, I sign this document and affix the corporate seal of the
City of El Cerrito on July 17, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor