

RESOLUTION NO. 2012 - 38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE APPROVAL OF A LOCAL PARCEL TAX MEASURE TO SPECIFICALLY BENEFIT WILDOMAR PARKS; REQUESTING THE COUNTY TO CONSOLIDATE THE ELECTION WITH THE STATEWIDE ELECTION TO BE HELD ON THAT DATE; AND REQUESTING THE SERVICES OF THE REGISTRAR OF VOTERS

WHEREAS, Wildomar has already been forced to close two community parks, and without additional funds, the City will have to close Marna O'Brien Park, leaving Wildomar without a single City park; and

WHEREAS, recreation and parks programs provide opportunities for local children and youth to play and interact with other children when they are not in school, providing healthy alternatives that keep children off the streets and away from the temptation of gangs, drugs, graffiti and vandalism; and

WHEREAS, in these tough economic times, parks are one of the few affordable options for recreation and without City parks, local families and residents will not be able to enjoy the park picnicking sites, sports fields, trails and open space that provide inexpensive and healthy entertainment and recreation; and

WHEREAS, the City of Wildomar needs locally-controlled funds to address park priorities including maintaining safe playground equipment, clean public restrooms, sports fields, and youth recreation programs; restoring safety lighting; and removing graffiti; and

WHEREAS, on August 8, 2012, the City Council of the City of Wildomar ("City"), after conducting a duly noticed public hearing and considering a staff report and public comments, adopted Resolution No. 2012 - 37 and directed that a question relating to the approval of a local parcel tax be submitted to the voters; and

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Special Municipal Election shall be held on November 6, 2012, to submit to the voters at the election a question relating to the approval of a local parcel tax; and

WHEREAS, it is desirable that the Special Election be consolidated with the General Municipal Election to be held on the same date (November 6, 2012) and that within the City the precincts, polling places and election officers of the 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, the City Council requests that the Riverside County Registrar of Voters consolidate the Special Election with the Statewide General Election to be held on November 6, 2012 and conduct the Special Municipal Election.

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

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held within the City of Wildomar, California, on Tuesday, November 6, 2012, a Special Municipal Election for the purpose of submitting to the voters the following question:

Measure to Save Wildomar Community Parks. To reopen closed community parks, prevent closure of Marna O'Brien Park (the last open City park), restore funding for recreational services/community events, maintain safe playground equipment, clean public restrooms, sports fields, and youth/children's recreation/after-school programs, restore park security patrols/safety lighting, and remove graffiti; shall the City of Wildomar levy \$28 per parcel annually, with required independent financial audits, and requiring that all funds are used locally?	Y E S
	N O

SECTION 2. That the proposed complete text of the measure submitted to the voters is attached as Exhibit "A", which is hereby incorporated by reference into this Resolution.

SECTION 3. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Riverside is hereby requested to consent and agree to the consolidation of a Special Election with the County's election on Tuesday, November 6, 2012.

SECTION 4. The Riverside County Elections Division is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 5. The Board of Supervisors is requested to issue instructions to the County Elections Division to take any and all steps necessary for the holding of the Special Municipal Election.

SECTION 6. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 7. That the City Clerk is authorized, instructed and directed to coordinate with the County of Riverside Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 8. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

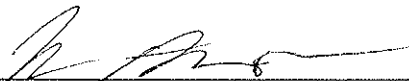
SECTION 9. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 10. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 11. That the City Clerk shall certify to the passage and adoption of this Resolution.

SECTION 12. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

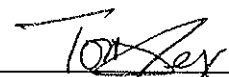
PASSED, APPROVED AND ADOPTED this 8th day of August, 2012.



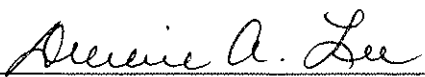
Ben J. Benoit
Mayor

APPROVED AS TO FORM:

ATTEST:



Thomas D. Jex
City Attorney



Debbie A. Lee, CMC
City Clerk

RESOLUTION NO. 2012 - 37

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR
SUBMITTING, ON THE CITY COUNCIL'S OWN MOTION, TO THE
QUALIFIED ELECTORS A PROPOSED ORDINANCE CREATING THE
SAVE WILDOMAR COMMUNITY PARKS FUNDING MEASURE**

WHEREAS, due to impacts from state budget takeaways and declining local revenues, the City of Wildomar ("City") lacks the funds necessary to adequately staff, provide, operate, maintain and improve its community parks and recreation programs; and

WHEREAS, as a result of this shortfall, the City has already been forced to close two of its community parks; without additional funds, the City will have to close Marna O'Brien Park, leaving Wildomar without a single City park; and

WHEREAS, recreation and parks programs provide opportunities for local children and youth to play and interact with other children when they are not in school, providing healthy alternatives that keep children off the streets and away from the temptation of gangs, drugs, graffiti and vandalism; and

WHEREAS, in these tough economic times, parks are one of the few affordable options for recreation and without City parks, local families and residents will not be able to enjoy the park picnicking sites, sports fields, trails and open space that provide inexpensive and healthy entertainment and recreation; and

WHEREAS, the City of Wildomar needs locally-controlled funds to address park priorities including maintaining safe playground equipment, clean public restrooms, sports fields, and youth recreation programs; restoring safety lighting; and removing graffiti; and

WHEREAS, the City Council (the "Council") desires to create a revenue source for the sole purpose of providing for the availability and the funding, repair, operation and maintenance of community parks and community park related facilities, programs and services within the City of Wildomar; and

WHEREAS, the City does not currently impose a special tax for such purpose and has identified a special tax as a means to provide funding for such purpose; and

WHEREAS, pursuant to Article XIII A §4 and XIIC §2 of the California Constitution and Section 50075 *et seq.* and 53722 *et seq.* of the California Government Code, the City has the authority to levy a special tax following notice and a public hearing; and

WHEREAS, on July 16 and 23, and on July 25 and August 1, 2012, the City published notice of the time and place of the hearing on the special tax and a general explanation thereof in The Californian, a newspaper of general circulation in Wildomar; and

WHEREAS, on July 31, 2012 the City Council held a duly noticed public hearing and continued the hearing to August 8, 2012 where all interested persons were heard on the matter of holding an election in the matter of levying a special tax on parcels in the City; and

WHEREAS, the proposed measure would impose such a tax at the maximum annual rate of Twenty-Eight Dollars (\$28.00) on each parcel of real property within the City; and

WHEREAS, all funds collected by this tax must be deposited into a special fund and expended only for the above-referenced purpose; and

WHEREAS, the special tax would not be imposed as an ad valorem tax on real property, nor a transaction tax or sales tax on the sale of real property; and

WHEREAS, Article XIII C of the California Constitution and Section 50077 of the California Government Code requires that all new or increased special taxes be submitted to the voters prior to becoming effective; and

WHEREAS, because the proposed tax would be a special tax, it will take effect only if approved by two-thirds (2/3) of the qualified electors casting ballots at the election to be held on November 6, 2012; and

WHEREAS, the City Council determined that it is in the best interest of the City of Wildomar to submit to the voters the matter of levying a special tax on parcels in the City and to designate the specifications thereof.

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

Section 1. The above recitals are true and correct and material to this Resolution.

Section 2. The Council hereby submits to the electors of the City of Wildomar the question of whether a special tax shall be levied for the purposes as set forth more fully in the Ordinance attached as Exhibit A.

Section 3. The Ordinance submitted to the voters shall take effect only if it is approved by two-thirds (2/3) of the qualified electors casting ballots at the election to be held on November 6, 2012, and if so approved, the Ordinance shall be codified in the

Wildomar Municipal Code as a new Chapter 3.18, entitled "Save Wildomar Community Parks Funding Measure."

Section 4. The City Clerk is authorized and directed to file with the Riverside County Clerk and Registrar of Voters, at least 88 days prior to the election, certified copies of this Resolution. By separate resolution(s), the election shall be called, the notice and publication will be ordered, and the dates will be set and the provision will be made for the impartial analysis and arguments / rebuttals regarding the measure.

Section 5. Based upon all of the facts before it on this matter, the Council finds that the submission of the measure to the voters is not subject to, or is exempt from, the California Environmental Quality Act ("CEQA") on the independent grounds that:

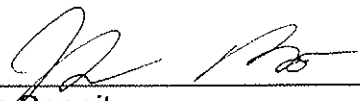
A. It is not a project as defined by 14 California Code of Regulations Section 15378 (b)(4) relating to the creation of government funding mechanisms which do not involve commitment to any specific project which may result in a potentially significant physical impact on the environment;

B. It is exempt based upon 14 California Code of Regulations Section 15301 relating to the operation and minor alteration of existing public or private structures with a negligible expansion of an existing use;

C. It is exempt based upon 14 California Code of Regulations Section 15061 (b)(3) which provides the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the submission of this measure to the voters will have a significant effect on the environment.

Section 6. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

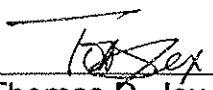
PASSED, APPROVED AND ADOPTED this 8th day of August, 2012.



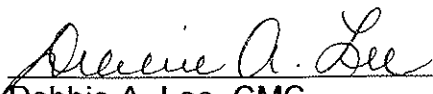
Ben Benoit
Mayor

APPROVED AS TO FORM:

ATTEST:



Thomas D. Jex
City Attorney



Debbie A. Lee, CMC
City Clerk

EXHIBIT A

ORDINANCE NO. 71 AN ORDINANCE OF THE CITY OF WILDOMAR, CALIFORNIA, ADDING A NEW CHAPTER 3.18 TO THE WILDOMAR MUNICIPAL CODE AUTHORIZING A SPECIAL TAX TO PROVIDE FUNDING FOR WILDOMAR COMMUNITY PARKS AND COMMUNITY PARK RELATED FACILITIES, PROGRAMS AND SERVICES

The people of the City of Wildomar do ordain as follows:

SECTION 1. ADDITION OF CHAPTER 3.18. A new chapter 3.18 entitled "Save Wildomar Community Parks Funding Measure" is hereby added to Title 3 "Revenue and Finance" of the Wildomar Municipal Code, and shall read as follows:

"Chapter 3.18 – SAVE WILDOMAR COMMUNITY PARKS FUNDING MEASURE

3.18.010 – Authority to Adopt Measure. This chapter and the tax authorized herein are adopted pursuant to the provisions of the California Constitution, Articles XIII A §4 and XIII C §2, and pursuant to Sections 50075 *et seq.* and 53722 *et seq.* of the California Government Code.

3.18.020 – Purpose. The tax authorized by this chapter is solely for the purpose of raising revenue to pay for the availability of and the funding, repair, operating and maintenance of community parks and community park related facilities, programs and services within the City of Wildomar. The tax is not imposed as an *ad valorem* tax on real property, nor a transaction tax or sales tax on the sale of real property. The proceeds of the tax will be deposited in a special fund and shall be restricted for the purposes stated above. As such, the tax is a special tax.

3.18.030 – Use of Proceeds. Tax proceeds raised pursuant to this chapter may only be used for Wildomar community park purposes as specified in Section 3.18.020, including, but not limited to, maintaining clean public restrooms, maintaining safe playground equipment, restoring safety lighting, removing graffiti, maintaining sports fields, and maintaining landscaping and public structures situated in Wildomar community parks. Tax proceeds raised pursuant to this chapter may also be used for audit reports as set forth in this chapter.

3.18.040 – Annual Report. An annual report shall be prepared and filed with the City Council of the City as provided in Sections 50075.1 and 50075.3 of the California Government Code, and shall contain (a) the amount of funds collected and expended, and (b) the status of the community park and community park

facilities, programs and services funded by the tax proceeds raised pursuant to this chapter, including the costs of staff, utilities, materials, contract services and other items related to the repair and maintenance of community parks and community park facilities.

3.18.050 – Annual Audit. The Director of Finance shall cause the City's independent auditor to perform an annual audit of the expenditure of the proceeds of the tax imposed by this chapter.

3.18.060 – Oversight Committee. By no later than March 1, 2013, the City Council shall establish a Wildomar Community Parks Funding Measure Citizen's Oversight Advisory Committee to advise the City Council regarding the collection and expenditure of tax revenues collected under the authority of this chapter. The Committee shall consist of at least five members, who shall be residents of the City. The terms of the Committee members and their specific duties shall be established by resolution of the City Council.

3.18.070 – Special Tax Fund. Tax proceeds raised pursuant to this chapter shall be deposited into a special fund in the City treasury, to be designated the "Wildomar Community Parks Special Tax Fund," and appropriated and expended only for the purposes authorized by this chapter.

3.18.080 – Special Tax. Commencing as of July 1, 2013 and continuing annually thereafter, there is imposed a tax on all parcels in the City for the privilege of using community park and community park related facilities, programs and services and the availability of such facilities, programs and services. The maximum tax rate imposed hereby shall not exceed Twenty-Eight Dollars (\$28.00) per parcel per year. For purposes of this chapter, "parcel" means a unit of real estate in the City as shown on the most current official assessment role of the Riverside County Assessor.

3.18.090 – Collection of Special Tax. The tax imposed by this chapter shall be due and payable on July 1 of each year, but it may be paid in two (2) installments due no later than the immediately following December 10 and April 10. The tax shall be delinquent if not received on or before the delinquency date set forth in the notice mailed to the address of the owner of the parcel as shown on the most current assessment roll of the Riverside County Tax Collector. The tax authorized under this chapter shall be collected by the Riverside County Tax Collector in accordance with applicable procedures, and the tax may only be included on the annual tax bill sent out by the Riverside County Tax Collector.

3.18.100 – Collection of Unpaid Special Taxes. The amount of any tax imposed on a parcel by this chapter, together with any penalties for nonpayment, shall be deemed a debt to the City. In the event of a delinquency in the payment of any such tax and penalties, the City may bring an action in its name against the owner of the parcel with respect to which the tax is delinquent for collection of the amounts owing. In any such action, the City shall also be entitled to recover its attorneys' fees and costs and administrative expenses.

3.18.110 – Penalty for Nonpayment. A penalty of Five Dollars (\$5.00) is hereby imposed on all taxpayers who fail to pay the tax imposed by this chapter when due. In addition, if the tax remains unpaid as of July 1 of the following year, an additional penalty of Five Dollars (\$5.00) shall be imposed on all amounts unpaid. Every penalty imposed under the provisions of this chapter shall become a part of the tax herein required to be paid.

3.18.120 – Exemptions. The tax imposed by this chapter shall not apply to the owner of any parcel that is legally exempt therefrom.

3.18.130 – Regulations. The City Council is authorized to promulgate such regulations as it deems necessary in order to implement the provisions of this chapter.

3.18.140 – Amendment. This chapter may not be amended by the City Council to increase the tax imposed hereunder without applicable voter approval. Subject to the foregoing, the City Council may amend this chapter without voter approval to clarify its provisions or to make technical corrections, including conforming the collection provisions of this chapter with applicable State law.

3.18.150 – Severability. If any provision, sentence, clause, section or part of this chapter is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter. It is hereby declared to be the intention of the people of the City of Wildomar, that this chapter would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

3.18.160 – Challenge. Any action to challenge the tax imposed by this chapter shall be brought pursuant to Government Code Section 50077.5 and Code of Civil Procedure Section 860 et seq.

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)


I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Resolution No. 2012 - 37 was duly adopted at a regular meeting held on August 8, 2012, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Benoit, Mayor Pro Tem Walker, Council Members Cashman, Moore

NOES: None

ABSTAIN: None

ABSENT: Council Member Swanson



Debbie A. Lee, CMC
City Clerk
City of Wildomar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Resolution No. 2012 - 38 was duly adopted at a regular meeting held on August 8, 2012, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Benoit, Mayor Pro Tem Walker, Council Members Cashman, Moore

NOES: None

ABSTAIN: None

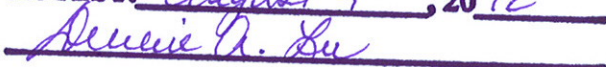
ABSENT: Council Member Swanson



Debbie A. Lee, CMC
City Clerk
City of Wildomar

The foregoing instrument is a true and correct copy of the original on file in this office.

ATTEST: August 9, 2012



**Debbie A. Lee, City Clerk
City of Wildomar, California**