

RESOLUTION NO. 2026-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, WITHDRAWING A QUALIFIED INITIATIVE MEASURE (UTILITY USERS' TAX REPEAL ON WATER SERVICE) FROM THE PRIMARY MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 2, 2026.

WHEREAS, pursuant to Pomona Municipal Code, Article V, Chapter 50, the City currently imposes an excise tax on the use of telephone/telecommunications, electricity, gas and water service within the City of Pomona, at a rate of nine percent (9%) of the charges made for such utility service (“Utility Users’ Tax” or “UUT”); and

WHEREAS, pursuant to authority provided by statute, on October 30, 2024, a local citizens’ initiative petition was filed with the City Council of the City of Pomona, seeking to enact an initiative measure/ordinance which would repeal the current 9% UUT on water service (the “Measure” or “Ordinance”); and

WHEREAS, on January 6, 2025, the City Clerk, through the Los Angeles County Registrar of Voters, certified to the City Council that the form of the petition complied with California law and, based upon an examination of voter registration records, was signed by the requisite number of voters to qualify the Measure for the ballot; and

WHEREAS, the City Council did not vote in favor of adoption of the Measure; and

WHEREAS, the City Council was therefore authorized by California Elections Code Sections 1405 and 9215 to submit the proposed Measure to the voters at its “next regularly scheduled election occurring not less than 88 days after the date of the order of election”; and

WHEREAS, on February 3, 2025, after receiving an impact report from Staff, the City Council adopted Resolution Nos. 2025-10, 2025-11 and 2025-12 to place the Measure on the next “regularly scheduled election” which is the City’s Primary Municipal Election to be held on Tuesday, June 2, 2026; and

WHEREAS, California Elections Code Section 9215.5 provides: “[T]he proponent of an initiative may withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official”; and

WHEREAS, California Elections Code Section 9604(d) further provides: “[W]ithdrawal of a local initiative or referendum measure shall be effective upon receipt by the appropriate local elections official of a written notice of withdrawal, signed by all proponents of the measure”; and

WHEREAS, on February 5, 2026, the Pomona City Clerk’s Office received a duly filed letter, signed by the sole proponent of the Measure, indicating that he now wishes to withdraw the Measure from the ballot; and

WHEREAS, pursuant the initiative proponent exercising his rights under California Elections Code Sections 9215.5 and 9604(d), the City Council takes this action to formally withdraw the Measure from the June 2, 2026 Primary Municipal Election ballot and to cancel all further election proceedings for the Measure.

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

SECTION 1. Recitals. The City Council of the City of Pomona hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Withdrawal of Ballot Measure from June 2, 2026 Primary Municipal Election. The City Council of the City, pursuant to its legal duty under California Elections Code Sections 9215.5 and 9604(d), hereby rescinds Resolution Nos. 2025-10, 2025-11 and 2025-12 and orders the Measure to be withdrawn from the ballot for the Primary Municipal Election to be held on Tuesday, June 2, 2026. The Measure shall not be printed in the ballot and no further election proceedings shall be undertaken with respect to the Measure, except as necessary to remove it from the ballot as set forth herein.

SECTION 3. June 2, 2026 Primary Municipal Election To Be Held for All Other Election Matters. This Resolution only removes the Measure from the ballot. Pursuant to City Charter and applicable provisions of the California Elections Code, the June 2, 2026 Primary Municipal Election will be held and conducted to elect qualified candidates to elective City offices as well as for voters to consider any other City initiative, referendum or other measure that qualifies and is placed on the ballot for that Election.

SECTION 4. Election Cancellation Procedures. The City Clerk is authorized, instructed, and directed to take all appropriate action, in coordination with the Los Angeles County Registrar of Voters, to remove the Measure from the June 2, 2026 Primary Municipal Election as set forth herein.

SECTION 5. Filing with County. The City Clerk shall file with the Los Angeles County Registrar of Voters a certified copy of this Resolution.

SECTION 6. CEQA. The City Council hereby finds and determines that withdrawal of the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment and therefore is not a project within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

SECTION 7. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

SECTION 8. Effective Date of Resolution. This Resolution shall become effective upon its adoption.

SECTION 9. Certification of Resolution. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of February, 2026.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

ATTEST:

Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on February 23, 2026 by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

Diana Robles, CMC
Deputy City Clerk