



CITY OF POMONA COUNCIL REPORT

February 23, 2026

To: Honorable Mayor and Members of the City Council

From: Anita D. Scott, City Manager

Submitted By: Rosalia A. Butler, City Clerk

**SUBJECT: WITHDRAWING INITIATIVE MEASURE AND CANCELLING THE
JUNE 2, 2026 PRIMARY MUNICIPAL ELECTION FOR AN
INITIATIVE MEASURE TO REPEAL THE CITY'S UTILITY USERS
TAX (UUT) ON WATER SERVICE**

RECOMMENDATION:

It is recommended that the City Council adopt the following resolution (Attachment No. 1):

**RESOLUTION NO. 2026-21 – A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF POMONA, CALIFORNIA, WITHDRAWING
INITIATIVE MEASURE AND CANCELLING THE JUNE 2, 2026
PRIMARY MUNICIPAL ELECTION FOR AN INITIATIVE MEASURE TO
REPEAL THE CITY'S UTILITY USERS TAX (UUT) ON WATER SERVICE**

EXECUTIVE SUMMARY:

On February 5, 2026, the City Clerk's Office received a letter (Attachment No. 2) from Mr. Mendoza indicating that he wishes to withdraw the Measure from the ballot. The proponent has this right under State law. Therefore, as a matter of good practice and to keep the written record clear, it is recommended that the City Council adopt the attached Resolution No. 2026-21 officially cancelling the June 2, 2026 election for this Measure, consistent with the initiative proponent's rights and wishes. This will not affect any elections for City candidates or other City measures on the June 2 ballot.

SB1439/GOVERNMENT CODE §84308 APPLICABILITY:

When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$250 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$250 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise

related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

FISCAL IMPACT:

According to the Los Angeles County Registrar of Voters' Election Estimating Calculator, the June 2, 2026 Primary Municipal Election for the initiative Measure was estimated to cost the City \$11,800. With the withdrawal of this Measure, this cost will not be incurred by the City. Nominal costs will be incurred in processing the cancellation.

PREVIOUS RELATED ACTION:

On February 3, 2025, the City Council adopted Resolution No. 2025-10, Resolution No. 2025-11, and Resolution No. 2025-12 to place the initiative Measure on the June 2, 2026 Primary Municipal Election ballot. However, with this request from the Measure's proponent, this election for this measure will be cancelled.

DISCUSSION:

Residents of Pomona currently pay a local excise tax called the Utility Users Tax (UUT), at the rate of nine percent (9%) on the charges for using telephone/telecommunications, electricity, gas and water service within the City of Pomona. The UUT is a general tax, meaning that UUT revenues are paid into the City's General Fund.

On April 22, 2024, the City received a Notice of Intention to Circulate a Petition and proposed initiative measure ("Measure") from Pomona resident John Mendoza, the proponent of the Measure. If approved, the Measure would repeal the current UUT on water service. On October 30, 2024, the proponent timely submitted a signed initiative petition to the City Clerk's Office. The City Clerk's Office verified the validity of the petition signatures with the assistance of the Los Angeles County Registrar of Voters database.

On January 6, 2025, the City Clerk presented her Certificate of Sufficiency of Initiative Petition to the City Council, indicating that the petition was valid as to format and contained the requisite number of signatures to qualify the Measure for the ballot. That evening, as authorized by the California Elections Code, the City Council ordered Staff to prepare a report as to the Measure's financial and other impacts to the City. That report was brought back and presented to the Council on February 3, 2025, within the 30 days required by law. After receiving the report, since the Measure had obtained the required number of signatures, the City Council voted to place the Measure on the City's "next regular municipal election" occurring at least 88 days later, which is the City's upcoming Primary Municipal Election, which will coincide with the Statewide Primary Election on June 2, 2026. For the last year, the Measure has been "in the election queue" and is currently scheduled to be printed in the June 2, 2026 ballot.

However, on February 5, 2026, the Pomona City Clerk's Office received a letter from Mr. Mendoza indicating that he, as the sole proponent of the Measure, now wishes to withdraw the Measure from the ballot (Attachment No. 2). The proponent has this right under State law. California Elections Code Section 9215.5 provides: "The 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." Mr. Mendoza's request is timely since it

came prior to March 6 (which is 88 days prior to the scheduled June 2 Primary Municipal Election).

CONCLUSION:

The proponent’s letter alone would be sufficient to cancel the election for the Measure; however, as a matter of good practice and to keep the written record clear, it is recommended that the City Council adopt the attached resolution officially cancelling the June 2 election for the Measure, consistent with the initiative proponent’s rights and wishes. Once adopted, the City Clerk will forward this Resolution to the Los Angeles County Registrar of Voters to notify them to cancel any further processing of this Measure election for June 2, 2026.

It is noted that this Resolution takes only *this Measure* off of the June 2 Primary Municipal Election. All other elections scheduled for June 2 regarding candidates for office and other City ballot measures will proceed.

Prepared by:

Diana Robles, CMC
Deputy City Clerk

ATTACHMENTS:

- Attachment No. 1 - Resolution No. 2026-21 Withdrawing Measure and Cancelling June 2, 2026 Primary Municipal Election on Measure
- Attachment No. 2 - Letter from John Mendoza withdrawing the Water UUT Initiative Measure