

**RESOLUTION NO. 2025-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF POMONA AN INITIATIVE MEASURE REPEALING THE CITY'S UTILITY USERS TAX (UUT) ON WATER SERVICE, AT THE PRIMARY MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 2, 2026**

**WHEREAS**, pursuant to Pomona Municipal Code, Section 50-206, the City currently imposes a local general excise tax called the Utility Users Tax ("UUT"), at the rate of nine percent (9%), on the charges for water service within the City of Pomona; and

**WHEREAS**, pursuant to authority provided by statute, a petition has been 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**, pursuant to Pomona City Charter Section 904, the provisions of the California Elections Code shall govern the exercise of the power of local initiative, insofar as such provisions are not in conflict with the Charter or ordinance; and

**WHEREAS**, all cities, including charter cities, are subject to the applicable provisions and limits set forth in the California Constitution; and

**WHEREAS**, notwithstanding California Elections Code Section 9215, California Proposition 218, a provision of the State Constitution relating to local taxes (Calif. Const. Art. XIIC, Sec. 3), provides that an initiative measure that repeals, reduces or otherwise affects a local tax may qualify for the ballot if a petition is filed with the City containing the signatures of at least five percent (5%) of the number of the City's registered voters who voted for any candidate for Governor at the last Statewide election (November, 2022); and

**WHEREAS**, application of Proposition 218 results in a minimum petition signature requirement of 1,136 voters (5% x 22,721 voters) in order to qualify the Measure; and

**WHEREAS**, the City Clerk, through the Los Angeles County Registrar of Voters, has certified that the form of the petition complies with California law and, based upon an examination of voter registration records, has ascertained that the petition is signed by the requisite number of voters to qualify the Measure for the ballot under Proposition 218; and

**WHEREAS**, the City Council has not voted in favor of adoption of the Measure; and

**WHEREAS**, the City Council is 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**, pursuant to California Elections Code section 348, a "[R]egular election is an election, the specific time for the holding of which is prescribed by law"; and

**WHEREAS**, pursuant to recently amended Pomona City Charter, section 901, the City will hold a scheduled local primary election on June 2, 2026 for City Council offices; and

**WHEREAS**, the City Council desires 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**, the specific terms of the Measure are attached hereto as Exhibit “A” and by this reference made an operative part hereof, and in accordance with all applicable laws.

**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 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. Submission of Ballot Measure.** The City Council of the City, pursuant to its right and authority as contained in California Elections Code Sections 1405 and 9215, hereby orders the Measure attached hereto as Exhibit “A” to be submitted to the qualified voters of the City at a Primary Municipal Election to be held on Tuesday, June 2, 2026. The proposed Measure shall be in the form attached hereto as Exhibit “A” to this Resolution and is incorporated by this reference as if fully set forth herein.

**SECTION 3. Ballot Question.** The City Council, pursuant to its right and authority, does hereby order that the ballot question for the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the election to be held at the Primary Municipal Election on Tuesday, June 2, 2026, in addition to any other matters required by law, there shall be printed substantially the following:

“Shall a measure repealing the City’s 9% Utility Users Tax on water service, be adopted?”	<b>YES</b>	
	<b>NO</b>	

**SECTION 4. Election Procedures.** The City Clerk is authorized, instructed, and directed to procure and furnish, or cause to be procured and furnished, any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 5. Impartial Analysis.** Pursuant to Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney. The

City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the City Clerk not later than the deadline for submittal of primary arguments for or against the Measure.

The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the Office of the City Clerk at (909) 620-2311 and a copy will be mailed at no cost to you.”**

**SECTION 6. Notice of Election.** Notice of the election is hereby 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 7. Placement on the Ballot.** The full text of the Measure shall not be printed in the voter information guide, and a statement shall be printed on the ballot pursuant to Elections Code section 9223 advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk.

**SECTION 8. Filing with County.** The City Clerk shall, not later than the 88th day prior to the Primary Municipal Election to be held on Tuesday, June 2, 2026, file with the Board of Supervisors and the County Registrar of Voters of the County of Los Angeles, State of California, a certified copy of this Resolution.

**SECTION 9. Public Examination.** Pursuant to Elections Code section 9295, this Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk’s office of the specific dates that the examination period will run.

**SECTION 10. CEQA.** The City Council hereby finds and determines that 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 11. 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 12. Effective Date of Resolution.** This Resolution shall become effective upon its adoption.

**SECTION 13. Certification of Resolution.** The City Clerk shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of January, 2025.

**CITY OF POMONA:**

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Tim Sandoval  
Mayor

**APPROVED AS TO FORM:**

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Sonia Carvalho  
City Attorney

**ATTEST:**

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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 January 6, 2025 by the following vote of the Council:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Diana Robles  
Deputy City Clerk

**EXHIBIT "A"**

**TEXT OF INITIATIVE MEASURE/ORDINANCE REPEALING THE NINE PERCENT  
(9%) UTILITY USERS TAX ON WATER SERVICE IN THE CITY OF POMONA**

**[attached behind this page]**

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF POMONA, CALIFORNIA, REPEALING SECTION 50-206 AND AMENDING SECTION 50-215 OF ARTICLE V OF CHAPTER 50 OF THE POMONA MUNICIPAL CODE THEREBY REPEALING THE NINE PERCENT (9%) UTILITY USERS TAX ON WATER SERVICE IN THE CITY OF POMONA**

**THE PEOPLE OF THE CITY OF POMONA DO HEREBY ORDAIN AS FOLLOWS:**

[NOTE: Deletions are in ~~striketrough~~ and additions are in **bold underline**]

**SECTION 1: AMENDMENTS TO MUNICIPAL CODE.**

**“ARTICLE V. UTILITY USERS TAX**

....

**Sec. 50-206. – ~~Water users tax.~~ **[Reserved]****

~~(a) There is imposed a tax upon every person in the city using water in the city. The tax imposed by this section shall be at the following rates of percentage of the charges made for such water and shall be paid by the person paying for such water. The term "charges," as used in this section includes charges made for (i) metered water, and (ii) minimum charges for service, including customer charges, service charges, demand charges, standby charges, and annual and monthly charges. The tax imposed by this section shall be as follows:~~

~~—(1) Residential users: nine percent, effective January 1, 1997.~~

~~—(2) Commercial/industrial users: nine percent, effective January 1, 1997.~~

~~(b) The tax imposed in this section shall be collected from the service user by the person supplying the water.~~

~~(c) The term "using water," as used in this section, shall not include the mere receiving of water by a public utility or governmental agency at a point within the city for resale.~~

....

**Sec. 50-215. – Maximum annual tax; annual adjustment.**

(a) Effective August 1, 1996, the total taxes imposed by this article upon any one service user upon the use of telephone, electricity, gas ~~and water during any~~ one fiscal year, which year shall commence August 1 and shall terminate July 31 of the subsequent year, shall not exceed the amount indicated in the city's utility users' tax schedule available through the city's revenue division and available on the city's website.

- (b) The maximum annual tax set forth in subsection (a) of this section shall be adjusted by the city treasurer effective August 1, 1993, and annually thereafter by either a resolution or an ordinance, effective August 1 of each succeeding year, in a percentage amount equal to the change in the Consumer Price Index during the 12-month period for the Metropolitan Los Angeles-Anaheim-Riverside Area or other succeeding index, as published by the United States Bureau of Labor Statistics.”

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The voters of the City of Pomona hereby declare that they would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid.

**SECTION 4. EFFECTIVE DATE AND SUBMISSION TO VOTERS.** Pursuant to California Elections Code section 9217, this Ordinance shall be deemed adopted and take effect only if approved by a majority of the eligible voters of the City of Pomona voting at the Primary Municipal Election of June 2, 2026. It shall be deemed adopted when the City Council has certified the results of that election by resolution and shall take effect ten (10) days thereafter.

**SECTION 5. CERTIFICATION.** The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places and in the electronic media in the City.

I hereby certify that this Water Utility Users Tax Repeal Ordinance was PASSED, APPROVED, AND ADOPTED by the People of the City of Pomona on the 2<sup>nd</sup> day of June, 2026.

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Tim Sandoval, Mayor  
City of Pomona

Attest:

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Rosalia Butler, MMC, City Clerk

Approved as to form:

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Sonia Carvalho, City Attorney