



# CITY OF POMONA COUNCIL REPORT

November 19, 2018

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted by: Marie Michel Macias, Interim City Clerk  
Arnold Alvarez-Glasman, City Attorney

Subject: **Certification of Citizen Sponsored Initiative Measure to Enact a Three Quarter Percent (0.75%) Increase in the City's Utility Users Tax**

## OVERVIEW

**Recommendations** - That the City Council:

- (A) Accept the certification of the sufficiency of the petition to enact a three quarter percent (0.75%) increase in the City's Utility Users Tax for a period of ten years unless extended by the City Council and establish an exemption of the User Utility Tax for legally handicapped residential rate payers, and direct staff to prepare the required ordinance and resolutions in order to place the measure on the ballot for the November 3, 2020 General Municipal Election ; or
- (B) Request a report on financial and other related impacts, to be completed and brought back to the City Council within thirty (30) days, prior to accepting certification of sufficiency of the petition.

Alternatively, the City Council may:

- 1) Adopt the ordinance without alteration, immediately or within 10 days.

**Fiscal Impact** - Costs associated with holding a consolidated election in 2020 and costs associated with preparation of the impact report are unknown at this time.

**Previous Council Action** – None.

## **EXECUTIVE SUMMARY**

John Mendoza submitted a petition to enact a 3/4¢ increase of the UUT, with an exception for legally handicapped rate payers. Examination of 500 random signatures was completed by the Interim City Clerk. The statistical sampling performed demonstrates that the percentage of valid signatures of qualified voters is 122.97% based on the sampling. Since the petition was signed by the sufficient number of voters to qualify for consideration, the results must be presented to the City Council, and the City Council must select one of the following three options: 1) adopt the ordinance without alteration, 2) place the ordinance/initiative without alteration on the ballot for the next General Municipal Election, or 3) prior to engaging in options 1 or 2, request an Impact Report regarding the impacts of the initiative to be presented to the City Council within 30 days pursuant to Elections Code Section 9212.

## **DISCUSSION**

### **Review of Petition Signatures**

In March 2018, the proponent, John Mendoza, submitted a request for ballot title and summary for a petition entitled “An Initiative Measure to Enact a Three Quarter Percent (0.75%) Increase in the City’s Utility User Tax (UUT) for a Period of Ten Years Unless Extended by the City Council, and Establish an Exemption of the User Utility Tax for Legally Handicapped Residential Rate Payers.” (See text of Petition, Attachment 2.)

In general, the signature requirements for local initiative petitions are set forth in Elections Code Section 9214 and 9215. However, for initiative petitions affecting local taxes, Article 13C, Section 3, of the California Constitution provides that the signature requirement for initiatives affecting local taxes cannot be higher than statewide statutory initiatives. Article 2, Section 8, of the California Constitution establishes the signature requirement for statewide initiatives at “five percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election.”

According to the Los Angeles County Clerk Registrar Recorder’s Office, there were 54,398 registered voters in Pomona for the 2014 Gubernatorial Election, of which 14,997 voted. Therefore, a total of 750 valid signatures are required for the initiative petition to be deemed sufficient.

On August 28, 2018, the proponent submitted 1,113 signatures for verification.

State law requires that no later than 30 days thereafter (Saturdays, Sundays and holidays excluded) the Elections Official review a sample of 500 signatures to determine through a statistical sampling process whether a sufficient number of valid signatures exist to qualify for the ballot. In this instance, the random sample of 500 signatures resulted in a sufficient number of signatures to directly qualify for the ballot (122.97%). This report of sufficiency has been prepared in accordance with California Elections code Section 9114 (**Attachment 1**).

### **Council Action Required**

The City Council is required to accept the results of the Interim City Clerk’s review and verification of the petition review process. As stated above, the City Council has three options

allowed by law. One of these options is prior to either adopting the ordinance or placing it before the voters, the Council may ask for a report to evaluate the impact of the petition on the City before taking action to approve the ordinance directly or to submit the matter to the voters.

Elections Code Section 9212 allows a council to request that an Impact Report be prepared prior to taking any action in order to evaluate the various impacts the initiative would have on the city. The Impact Report must be returned to the City Council no later than 30 days after the certification of the sufficiency of the petition has been presented to the Council.

Following completion of the Impact Report, pursuant to Elections Code section 9215(a), the Council may choose to adopt the ordinance without alteration. If the Council does not adopt the proposed ordinance in its entirety, then the proposed ordinance would be submitted without alterations to the voters at the next general municipal election to be held on November 3, 2020. Should the Council desire to exercise its option to seek the preparation of an Impact Report, the report would be presented to the City Council at the meeting of December 17, 2018.

**Attachments:**

1. Certificate of Sufficiency by Interim City Clerk
2. Petition Text