

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE TO AMEND THE BUSINESS LICENSE TAX AT THE TUESDAY NOVEMBER 6, 2018 GENERAL ELECTION CALLED BY RESOLUTION NO. 18-054, AND PROVIDING FOR WRITTEN ARGUMENTS REGARDING THE MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, the City of Cupertino was formed in 1955 to provide municipal services to its residents; and

WHEREAS, in 1992, the voters of the City approved an annual business license tax for the privilege of conducting business in the City based on square footage of commercial space, which currently generates \$800,000 of General Fund revenue annually; and

WHEREAS, pursuant to Section 9222 of the California Elections Code, the City Council may submit an ordinance directly to the voters; and

WHEREAS, by Resolution No. 18-054, adopted on June 5, 2018, the City Council called a General Election, to be held on Tuesday, November 6, 2018 to fill City Council seats, and requested that the Board of Supervisors of the County of Santa Clara agree to the consolidation of the General Municipal Election with the Statewide General election, and set forth the instructions for the election; and

WHEREAS, the City Council desires to submit to the voters at the General Municipal Election an ordinance amending the business license tax rates (the "Ordinance").

WHEREAS, the Ordinance imposes a general tax, the revenues from which are to be placed in the general fund of the City and to be used for any lawful purpose of the City ("Tax").

BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CUPERTINO, CALIFORNIA, AS FOLLOWS:

SECTION 1. The City Council hereby orders the following question to be submitted to the voters at the general municipal election called for Tuesday, November 6, 2018:

Shall the measure to fund priorities such as infrastructure to reduce traffic congestion in Cupertino by imposing a yearly general business license tax of \$150 to \$500 per business, plus a progressively increasing per-employee rate of \$50 (100+ employees) to \$425 (5,000+ employees), replacing the existing square footage-based business license tax, raising about \$10 million yearly for general fund purposes, effective until voters amend or appeal it, with annual audits, be adopted?	YES	
	NO	

Pursuant to Article XIII C of the California Constitution, this measure requires the approval of a majority of those casting votes in the Election. The complete text of the measure is attached hereto as Exhibit 1 and incorporated into this Resolution by reference.

SECTION 2. The City Council hereby declares its intent to consolidate the Election with the Statewide Election to be held on November 6, 2018, and requests that the Santa Clara County Board of Supervisors add this Ordinance to that ballot as set forth herein. The City Council acknowledges that the consolidated election shall be held and conducted in the manner prescribed in Elections Code sections 10400 et seq.

SECTION 3. The primary arguments for and against this ballot measure shall be submitted to the City Clerk by 5:00 p.m. on August 13, 2018, and shall not exceed 300 words.

SECTION 4. Pursuant to City Council Resolution No. 16-030 and Elections Code section 9285, the City Council has authorized the filing of rebuttal arguments for and against measures in City elections. Rebuttal arguments concerning this measure shall be submitted to the City Clerk by 5:00 p.m. on August 20, 2018, and shall not exceed 250 words.

SECTION 5. All arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it or, if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement to Be Filed by Author(s) of Argument to be provided by the City Clerk.

SECTION 6. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney to prepare an impartial analysis, not exceeding 500 words, showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by 5:00 p.m. on August 20, 2018.

SECTION 7. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot, to cause it to be printed, and to procure and furnish (or cause to be procured or furnished) any and all official ballot notices, printed materials, and all other supplies that may be necessary to prepare for and conduct the election. A copy of the Ordinance shall be made available to any voter upon request.

SECTION 8. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Santa Clara County and the Registrar of Voters of Santa Clara County immediately upon its adoption and, in any event, not later than 88 days before November 6, 2018.

SECTION 9. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City of Cupertino's cost of placing the measure on the election ballot and to execute any necessary agreements with the County of Santa Clara for that election.

SECTION 10. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by applicable law.

SECTION 11. Notice of the time and place of holding 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 12. Certification. The City Clerk shall certify to the adoption of this resolution and shall preserve it in the records of the District as required by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this ____ day of _____, 2018, by the following vote:

Vote	Members of the City Council
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AYES:

NOTES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Darcy Paul, Mayor
City of Cupertino