

SPECIAL MEETING
August 3, 2016

INVOCATION: _____

FLAG SALUTE: _____

B. CONFLICTS OF INTEREST

1. Council members will announce any possible Conflicts of Interest with the Agenda.

C. DELETIONS/ADDITIONS TO AGENDA

1. City Manager to announce if there is any addition/removal of items from the agenda.

D. PUBLIC COMMUNICATIONS

Members of the public wishing to address the City Council Members are required to fill out the yellow speaker card and place it in the **SPEAKER CARD TRAY located on the podium**. The Clerk of the meeting will collect the cards and hand them to the Chair. **REMEMBER ONE CARD PER PERSON you can mark the card to address various items on the agenda.**

This is the time and place for members of the public to comment on any matter within the jurisdiction of the City Council. After receiving recognition from the Chair, the speaker will walk to the podium and **state their name for the record**. There is a time limit of three (3) minutes when giving your presentation.

Members of the audience may address the City Council on **non-agenda items**; however, in accordance with Government Code section 54954.2, the City Council may not take action on an item not appearing on the posted agenda.

SPECIAL MEETING
August 3, 2016

E. NEW BUSINESS

PUBLIC COMMENTS OPENED: _____ **PUBLIC COMMENTS CLOSED:** _____

1. SUBMISSION OF AN ARGUMENT IN FAVOR OF THE CITY'S MEASURE TO AUTHORIZE IMPOSITION OF A GROSS REVENUE BUSINESS TAX. (City Attorney)

RECOMMENDATION: Adopt the Resolution No. 16-54 to submit a ballot argument to voters at the November 8, 2016 General Municipal Election in favor of the measure authorizing imposition of a gross revenue business tax and to amend wording contained in City Council Resolution No. 16-48 ("Resolution 16-48"), Section 2.

RESOLUTION NO. 16-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO AMENDING RESOLUTION NO. 16-48 AND SUBMITTING AN ARGUMENT IN FAVOR OF THE CITY'S PROPOSITION TO AUTHORIZE IMPOSITION OF A GROSS REVENUE BUSINESS TAX

M _____ S _____ ACTION _____

F. ITEMS REMOVED FROM THE CONSENT CALENDAR

G. CITY MANAGERS ANNOUNCEMENTS AND REPORTS

H. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

SPECIAL MEETING
August 3, 2016

I. ADJOURNMENT

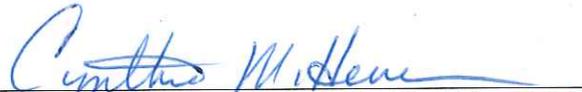
The Regular Meeting of the City Council will be held on August 10, 2016, at 7:00 p.m.

TIME OUT: _____

M _____ S _____ ACTION _____

J. DECLARATION OF POSTING

I, CINDY M. HERRERA, CITY CLERK OF THE CITY OF ADELANTO, OR MY DESIGNEE, HEREBY CERTIFY THAT A TRUE, ACCURATE COPY OF THE FOREGOING AGENDA WAS POSTED ON AUGUST 2, 2016 TWENTY (24) HOURS PRIOR TO THE MEETING PER GOVERNMENT CODE 54956.a IN THE GOVERNMENTAL CENTER'S DISPLAY CASE, 11600 AIR EXPRESSWAY, AND ADELANTO, CALIFORNIA.



CYNTHIA M. HERRERA, CITY CLERK, MMC/
CITY MANAGER

SPECIAL MEETING
August 3, 2016

YOUR CITY GOVERNMENT

CHARTER CITY: Ratified by the electors of the City at an election on November 3, 1992. “A Charter City can do what the Charter permits it to do, so long as there is not direct violation of the State Constitution.”

CITY COUNCIL: The City Council of the legislative and policy-making body of the City. The City Council is composed of one elected Mayor and four Council Members, elected at large (to represent the entire City), to serve four year, staggered terms.

CITY MANAGER: The City Manager is the chief executive officer responsible for the administration of City affairs.

CITY COUNCIL MEETING: The regular meeting of your City Council is a vital part of the democratic process in the conduct of the City’s affairs. These meetings are open to the public and conducted by your elected representatives who are responsible, as a body, for the operation of Adelanto’s City Government. The Council appreciates your interest and urges citizen participation in government matters.

LEGISLATIVE TERMS

ORDINANCES: Ordinances are the means by which the City enacts its local laws. Unless an urgent situation exists, ordinances will first be presented at a Council meeting as a “first reading.” At a subsequent Council meeting, there will be a second reading and adoption. Ordinances go into effect after a waiting period of thirty days, in most cases, during which time the summary of the ordinance is published in a local newspaper approved for this purpose.

RESOLUTIONS: Resolutions and minute orders are the means by which the City Council formally adopts policies or approves specific actions. These go into effect when adopted.



Rich Kerr
Mayor

Jermaine Wright Sr.
Mayor Pro-Tem

Ed Camargo
Council Member

Charley B. Glasper
Council Member

John "Bug" Woodard Jr.
Council Member

Cynthia M. Herrera, MMC
City Manager

**SPECIAL
MEETING NOTICE
AUGUST 3, 2016
5:00 P.M.**

**NOTICE OF A SPECIAL MEETING OF THE
CITY OF ADELANTO CITY COUNCIL
AND ADELANTO PUBLIC FINANCING AUTHORITY
AND ADELANTO PUBLIC UTILITY AUTHORITY
AND ADELANTO COMMUNITY BENEFIT CORPORATION
AND
THE SUCCESSOR AGENCY BOARD**

NOTICE IS HEREBY GIVEN that the Special meeting of City Council, Adelanto Public Financing Authority, Adelanto Public Utility Authority, Adelanto Community Benefit Corporation, and the Successor Agency Board of the City of Adelanto will meet in a Joint Meeting at the following time and place.

TIME

Open Session: 5:00 P.M.
Wednesday
August 3, 2016

PLACE

Adelanto Governmental Center
Adelanto Council Chambers
11600 Air Expressway
Adelanto, CA 92301

**CYNTHIA M. HERRERA, CITY CLERK, MMC/
CITY MANAGER**

DATED: August 3, 2016



CITY COUNCIL AGENDA REPORT

ADELANTO GOVERNMENTAL CENTER | 11600 AIR EXPRESSWAY | ADELANTO, CALIFORNIA 92301

DATE: August 3, 2016

TO: Honorable Mayor and City Council Members

FROM: Curtis R. Wright, City Attorney

SUBJECT: SUBMISSION OF AN ARGUMENT IN FAVOR OF THE CITY'S MEASURE TO AUTHORIZE IMPOSITION OF A GROSS REVENUE BUSINESS TAX

STAFF RECOMMENDATION:

Adopt the attached Resolution to submit a ballot argument to voters at the November 8, 2016 General Municipal Election in favor of the measure authorizing imposition of a gross revenue business tax and to amend wording contained in City Council Resolution No. 16-48 ("Resolution 16-48"), Section 2.

SUMMARY:

The purpose of this item is to submit to voters an argument in favor of the measure authorizing imposition of a gross revenue business tax. This Resolution also puts forth minor changes to wording contained in Resolution 16-48, Section 2, to clarify the scope of the business taxes and to comply with recently enacted Elections Code section 13119(b).

BACKGROUND:

On July 13, 2016, the City Council adopted Resolution 16-48 to submit a measure for approval of a tax on the gross revenue of businesses in the City to voters at the November 8, 2016 General Municipal Election. The attached Resolution would submit the following argument in favor of the City's tax measure, and would also authorize Mayor Richard Kerr to file a rebuttal argument to any arguments filed against the City's tax measure:

**Argument In Favor Of Measure _____
Gross Revenue Business Tax**

Submitted by the City Council for the City of Adelanto

The City of Adelanto ("City") is working to cure the City's long running budget deficits without adding additional tax burdens on its citizens by adopting a fairer and more equitable business tax structure. Rather than imposing additional taxes on the general public, or overburdening small businesses, the City seeks to adopt a tax on businesses proportional to their size and the benefits which they receive from the City. Larger more profitable businesses reaping greater financial rewards from the City will shoulder a larger proportional tax burden whereas smaller businesses deserve relief

from burdensome taxes.

The City faces severe budget deficits and needs to find additional sources of revenue to avoid municipal bankruptcy. The proposed tax will help create a fair, efficient, and stable source of tax revenue for the City without having to tax the general public directly. The revenue generated by this tax will ensure stability of the City's business environment and the continuity of essential municipal services. The tax burden meanwhile will be borne by businesses according only to their gross revenue and capacity to pay.

Finally, the proposed tax rate is minimal and amounts to no more than a multiplier of only 0.0005 on businesses' gross revenues.

In its ongoing efforts to address the City's budget deficits, the City Council unanimously supports this new business revenue tax and respectfully requests that People of Adelanto vote in favor of this measure.

This is not a tax on the People of Adelanto.

City Council of the City of Adelanto

Richard Kerr, Mayor

Jermaine Wright Sr., Mayor Pro Tem

Ed Camargo, Council Member

Charley B. Glasper, Council Member

John Woodard Jr., Council Member

This Resolution also proposes a slight change to the wording contained in the tax measure which will be submitted to voters in compliance with recently enacted Elections Code section 13119(b). These minor changes will clarify the scope of the business tax which the City Council will be authorized to impose. The measure to be submitted to voters will read as follows:

Measure _____—Gross Revenue Business Tax	YES
Shall the Adelanto City Council be authorized to impose a tax, with no termination date, on each business licensed or operating within the City of Adelanto in the amount of not more than 0.05 percent of the gross revenue attributable to that business's revenue earned from within the City of Adelanto, potentially generating several thousands of dollars annually in additional tax revenue for the City of Adelanto?	NO

ENVIRONMENTAL IMPACT:

This Resolution would not have a significant effect on the environment and is exempt from the requirements of an environmental impact analysis pursuant to California Code of Regulations, title 14, section 15061(b)(3).

FISCAL IMPACT:

The business tax that this Resolution is intended to support should result in additional tax revenue to the City. The amount is indeterminate at this point due to lack of financial information on the businesses operating in the City.

ATTACHMENTS:

1. RESOLUTION NO. 16-54. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO AMENDING RESOLUTION NO. 16-48 AND SUBMITTING AN ARGUMENT IN FAVOR OF THE CITY'S PROPOSITION TO AUTHORIZE IMPOSITION OF A GROSS REVENUE BUSINESS TAX
2. RESOLUTION NO. 16-48. A RESOLUTION THE CITY COUNCIL OF THE CITY OF ADELANTO TO SUBMIT A PROPOSITION TO THE VOTERS TO AUTHORIZE THE CITY COUNCIL TO IMPOSE A GROSS REVENUE BUSINESS TAX

RESOLUTION NO. 16-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ADELANTO AMENDING RESOLUTION NO. 16-48 AND SUBMITTING AN ARGUMENT IN FAVOR OF THE CITY'S PROPOSITION TO AUTHORIZE IMPOSITION OF A GROSS REVENUE BUSINESS TAX

WHEREAS, the City of Adelanto ("City") is holding a General Municipal Election, to be consolidated with the statewide election, on November 8, 2016 in accordance Adelanto Municipal Code section 1.15.010.

WHEREAS, City Council Resolution No. 16-48 ("Resolution 16-48") submits a measure to voters at the November 8, 2016 authorizing the imposition of a gross revenue business tax on businesses within the City.

WHEREAS, Elections Code section 9282 authorizes the City Council to file a written argument in favor of the business tax.

WHEREAS, Resolution 16-48 reserved the City Council's right to file an argument in favor of the City's gross revenue business tax measure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO RESOLVES AS FOLLOWS:

SECTION 1: The above recitals are true and correct and are incorporated herein.

SECTION 2: Pursuant to Elections Code section 13119(b), the City Council hereby amends Resolution 16-48, Section 2, to read as follows:

Pursuant to Elections Code sections 10201 and 9222, the City Council hereby submits the following proposition to the voters at the General Municipal Election on November 8, 2016:

Measure _____—Gross Revenue Business Tax	YES
Shall the Adelanto City Council be authorized to impose a tax, with no termination date, on each business licensed or operating within the City of Adelanto in the amount of not more than 0.05 percent of the gross revenue attributable to that business's revenue earned from within the City of Adelanto, potentially generating several thousands of dollars annually in additional tax revenue for the City of Adelanto?	NO

SECTION 3: Pursuant to Elections Code section 9282(b) and Resolution 16-48, the City Council hereby submits the following argument in favor of the measure for a Gross Revenue Business Tax:

**Argument In Favor Of Measure _____
Gross Revenue Business Tax**

Submitted by the City Council for the City of Adelanto

The City of Adelanto ("City") is working to cure the City's long running budget deficits without adding additional tax burdens on its citizens by adopting a fairer and more equitable business tax structure. Rather than imposing additional taxes on the general public, or overburdening small businesses, the City seeks to adopt a tax on businesses proportional to their size and the benefits which they receive from the City. Larger more profitable businesses reaping greater financial rewards from the City will shoulder a larger proportional tax burden whereas smaller businesses deserve relief from burdensome taxes.

The City faces severe budget deficits and needs to find additional sources of revenue to avoid municipal bankruptcy. The proposed tax will help create a fair, efficient, and stable source of tax revenue for the City without having to tax the general public directly. The revenue generated by this tax will ensure stability of the City's business environment and the continuity of essential municipal services. The tax burden meanwhile will be borne by businesses according only to their gross revenue and capacity to pay.

Finally, the proposed tax rate is minimal and amounts to no more than a multiplier of only 0.0005 on businesses' gross revenues.

In its ongoing efforts to address the City's budget deficits, the City Council unanimously supports this new business revenue tax and respectfully requests that People of Adelanto vote in favor of this measure.

This is not a tax on the People of Adelanto.

City Council of the City of Adelanto

Richard Kerr, Mayor

Jermaine Wright Sr., Mayor Pro Tem

Ed Camargo, Council Member

Charley B. Glasper, Council Member

John Woodard Jr., Council Member

SECTION 4: Pursuant to Elections Code section 9285, the City Council hereby authorizes Richard Kerr, Mayor for the City of Adelanto, to submit a rebuttal argument to any argument submitted against the measure for a Gross Revenue Business Tax.

SECTION 5: All arguments submitted pursuant to this Resolution shall be submitted to the San Bernardino Elections Office of the Registrar of Voters in accordance with the Elections Code and other applicable laws.

SECTION 6: The City Council determines that this Resolution does not have the potential to have a physical effect on the environment. Therefore, pursuant to the California Environmental Quality Act ("CEQA") and its implementing regulations, this activity is not subject to CEQA. (Cal. Pub. Res. Code, § 21000 et seq.; 14 Cal. Code Regs., §§ 15060(c)(2), 15378(a).)

SECTION 7: If any section, subsection, or other provision of this Resolution is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Resolution shall remain in full force and effect.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Adelanto on this 3rd day of August, 2016.

Richard Kerr, Mayor

Attest:

Cindy M. Herrera, MMC, City Manager / City Clerk

Approved as to Form

Curtis R. Wright, City Attorney

Resolution No. 16-54

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I, Cindy M. Herrera, City Manager / City Clerk of the City of Adelanto, do hereby certify that the foregoing Resolution No. 16-54 was duly adopted at a special meeting of the City Council of the City of Adelanto held on the 3rd day of August, 2016, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cindy M. Herrera, MMC, City Manager / City Clerk

RESOLUTION NO. 16-48

A RESOLUTION THE CITY COUNCIL OF THE CITY OF ADELANTO TO SUBMIT A PROPOSITION TO THE VOTERS TO AUTHORIZE THE CITY COUNCIL TO IMPOSE A GROSS REVENUE BUSINESS TAX

WHEREAS, the City of Adelanto ("City") faces significant budget deficits.

WHEREAS, the City finds that adoption of a tax on local business gross receipts to be a reasonable and appropriate means of generating revenue.

WHEREAS, California Constitution, article XIII C, section 2, requires the City to obtain voter approval to impose any new local tax.

WHEREAS, the City shall hold a General Municipal Election on November 8, 2016 in accordance with Adelanto Municipal Code section 1.15.010(A).

WHEREAS, Elections Code Section 9222 authorizes the City Council for the City of Adelanto to submit by resolution a proposition for the enactment of any ordinance to the voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO DOES RESOLVE AS FOLLOWS:

SECTION 1: The above recitals are true and correct and are incorporated herein.

SECTION 2: Pursuant to Elections Code sections 10201 and 9222, the City Council hereby submits the following proposition to the voters at the General Municipal Election on November 8, 2016:

Measure _____—Gross Revenue Business Tax	
Shall the Adelanto City Council be authorized to impose a tax on each business licensed or operating within the City in the amount of not more than 0.05 percent of the gross revenue attributable to that business's revenue earned from within the City?	YES
	NO

SECTION 3: Pursuant to Elections Code section 10403, the City Council requests that the Board of Supervisors of the County of San Bernardino consolidate the City's General Municipal Election with the statewide election to be held on Tuesday, November 8, 2016. The City Council hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code section 10418.

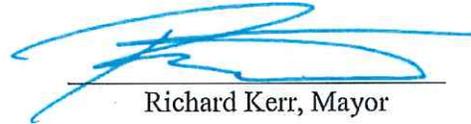
SECTION 4: Pursuant to Elections Code 9280, the City Attorney is hereby directed to prepare an impartial analysis of the measure showing its effect on existing law and the operation of the measure.

SECTION 5: Pursuant to Elections Code section 10403, the City Clerk is hereby directed to file a certified copy of this Resolution with the San Bernardino County Board of Supervisors and the Elections Office of the Registrar of Voters promptly upon adoption of this Resolution, but in no event later than August 12, 2016.

SECTION 6: Pursuant to Elections Code sections 9282(b), the City Council hereby reserves the right to file a written argument in favor of the measure to be printed with the ballot and submitted to the voters.

SECTION 7: The City Council determines, based on the entire record, that this action and the proposed ballot measure does not have the potential to have a physical effect on the environment. Therefore, pursuant to the California Environmental Quality Act ("CEQA") and its implementing regulations, this activity is not subject to CEQA. (Cal. Pub. Res. Code, § 21000 et seq.; 14 Cal. Code Regs., §§ 15060(c)(2), 15378(a).)

PASSED, APPROVED AND ADOPTED by the City Council of the City of Adelanto on this 13th day of July, 2016.



Richard Kerr, Mayor

Attest:



Cindy M. Herrera, City Clerk MMC

Approved as to Form



Curtis R. Wright, City Attorney

Resolution No. 16-48

Page 3

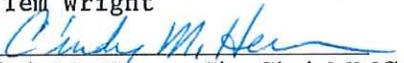
I, Cindy M. Herrera, City Clerk of the City of Adelanto, do hereby certify that the foregoing Resolution No. 16-48 was duly adopted at a regular meeting of the City Council of the City of ADELANTO held on the 13th day of July, 2016, by the following votes:

AYES: Council Member, Glasper, Woodard, and Mayor Kerr

NOES: None

ABSENT: None

ABSTAIN: Council Member Woodard, and Mayor Pro Tem Wright


Cindy M. Herrera, City Clerk MMC