



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: July 17, 2024

Agenda Item: 10A

Submitted By: City Manager

Prepared By: Andy Hall, City Manager

Subject:

CONSIDERATION OF A RESOLUTION, CALLING AN ELECTION IN THE CITY OF SAN CLEMENTE TO BE CONSOLIDATED WITH THE CITY'S NEXT GENERAL MUNICIPAL ELECTION ON NOVEMBER 5, 2024, SUBMITTING TO THE ELECTORS A BALLOT MEASURE TO INCREASE THE CITY'S SALES AND USE TAX ("SALES TAX") BY ONE CENT BY AMENDING SECTION 3.20.050 (RATE) OF CHAPTER 3.20 (SALES AND USE TAX) OF TITLE 3 OF SAN CLEMENTE MUNICIPAL CODE, ESTABLISHING THE POLICIES AND PROCEDURES FOR SUCH AN ELECTION, REQUESTING THAT ORANGE COUNTY PROVIDE ELECTION SERVICES, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND AUTHORIZING THE FILING OF REBUTTAL ARGUMENT; AND CONSIDERATION OF A RESOLUTION ADOPTING ADVISORY SPENDING GUIDELINES FOR THE MEASURE ACCORDING TO RESIDENT IDENTIFIED PRIORITIES

Fiscal Impact:

Biennial general municipal election costs are determined by the number of registered voters, the County Registrar of Voter's costs for services, and the City's costs for its required publication notices, etc. The estimated cost to place the proposed measure on the November ballot with the election of two Councilmembers is approximately \$102,818 - \$119,682. based on the last estimate from the County Registrar of Voters (which would be in addition to the costs for the election of Councilmembers).

If the locally controlled one cent Sales Tax is approved by the voters, the measure is estimated to generate \$13.5 million annually in revenue for the general fund. With the adoption of the proposed resolution approving Advisory Spending Guidelines for the measure, the funds would be used for resident identified priorities including beach access, community health and public safety services.

Summary:

Before the City Council is a resolution that would submit a measure to the voters for an increase of one cent to the City's existing Sales and Use Tax (Sales Tax) and a resolution adopting Advisory Spending Guidelines for such a measure so that the funds would be used for resident identified priorities, such as: keeping public areas safe and clean, maintaining local beaches and beach access for residents, protecting local drinking water supply and ocean water quality, and maintaining 911 emergency response.

The decision about whether to enact such a funding measure would be considered and determined by City of San Clemente voters at the November 5, 2024 Statewide General Election.

Background:

Across our region crime has been increasing in recent years. In the last year of crime statistics there were 142 violent crimes and 908 property crimes reported. If approved by the voters of the City of San Clemente, the measure will help maintain 911 emergency response times and the number of Sheriff's deputies patrolling our neighborhoods thereby ensuring that the City can do more to keep residents and their property safe.

When you have an emergency seconds count. Approximately two-thirds of all calls to the Orange County Fire Authority serving our area are related to medical emergencies. The measure will help ensure that San Clemente is served by the number of firefighters and paramedics that we need and that they are able to respond quickly to emergencies and save lives.

San Clemente has been aware of the need to help our local beaches since the 1990s, but with recent extreme rainstorms and erosion of beaches and bluffs, independent scientists say that the problem is getting worse. If action is not taken to protect them now, it could cost more in the long run.

In a recent survey, residents shared that these concerns were among their priorities and a majority identified a need for funding.

Analysis:

Based on the survey results, before the City Council is a measure that, if approved by the voters at the November 5, 2024 Statewide General Election, would add an additional one cent to our existing Sales and Use Tax (Sales Tax), which is currently set at one cent. Our current sales tax rate is 7.75%. Therefore, if San Clemente voters pass the measure, then our sales tax rate will be 8.75%. This would put the City on the path of long-term financial stability.

The measure includes tough accountability provisions such as requiring public disclosure of all spending and guaranteed annual independent audits. These fiscal safeguards will ensure funds are used efficiently, effectively, and as promised. As required by the California Constitution, all funding will be used locally in San Clemente and cannot be taken by the County, State or Federal government.

The proposed Advisory Spending Guidelines for this measure state that the funds of the measure will be used for resident identified priorities, such as: keeping public areas safe and clean, protecting our beaches and maintaining beach access for residents, protecting local drinking water supply and ocean water quality, and maintaining 911 emergency response.

If a majority of voters (50% plus 1) support the measure, it would go into effect ten days after certification of the vote is presented to the City Council. Certification of the vote is currently scheduled for the City Council's December 10, 2024 meeting, which would make the effective date of the proposed ordinance December 20, 2024, if it is approved by the voters.

If the City Council deems it appropriate to let the voters consider and decide this matter, staff recommends placing the following measure on the ballot. As noted in the body of the measure, the tax is a general-purpose tax, meaning the proceeds of the tax stay in San Clemente to

support the City’s general fund and can be used for any general purpose, including addressing the residents’ highest priorities as identified in the proposed Advisory Spending Guidelines.

SAN CLEMENTE PUBLIC SAFETY, BEACH MAINTENANCE, CITY SERVICES MEASURE	
Shall the measure maintaining San Clemente’s longstanding financial stability/general services such as: 911 emergency response; keeping public areas safe/clean; repairing streets/roads; protecting local beaches/beach access for residents, local drinking water supply, and ocean water quality; retaining local businesses, by establishing a 1¢ sales tax providing approximately \$13,500,000 annually until ended by voters; requiring public spending disclosure, independent audits, all funds used locally, be adopted?	YES
	NO

Next Steps:

To qualify for the ballot, at least 2/3 of the City Council (at least 4 members) are required to vote affirmatively to place the measure on the ballot. If so approved by the City Council, and then passed on Tuesday, November 5, 2024 by a majority of voters (50% plus 1) voting on the measure, it would go into effect ten days after the certification of the election to the City Council.

Should the City Council choose to place the measure on the November 5, 2024 ballot, the City Attorney will need to prepare an impartial analysis showing the effect of the measure on the existing laws and the operation of the measure. The City Clerk will also need to establish a process and timeline for the submittal of ballot arguments, consistent with the requirements of state law and the County Registrar of Voters. These items are addressed in the attached draft Resolution 24-112.

Council Options:

- Adopt Resolution No. 24-112, submitting the San Clemente Public Safety, Beach Maintenance, City Services Measure to the November 5, 2024 ballot for the voters to decide whether the existing Sales Tax should be increased by one cent, establishing policies and procedures for the election, directing the City Attorney to prepare the impartial analysis of the Measure and authorizing the filing of rebuttal arguments, and adopt Resolution No. 24-111, approving the Advisory Spending Guidelines declaring that the funds from the Measure are to be used for resident identified priorities, such as: keeping public areas safe and clean, maintaining local beaches and beach access for residents, protecting local drinking water supply and ocean water quality, and maintaining 911 emergency response.
- Modify and adopt Resolution Nos. 24-111 and/or 24-112.
- Decide not to place the Measure on the ballot and do not adopt the resolutions.

Environmental Review/Analysis:

This action is not a “project” as defined under Section 15378(b)(4) of the California Environmental Quality Act (CEQA) Guidelines because it is a financing decision without commitment to a specific project that may result in a potentially significant physical impact on the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the actions proposed are not subject to CEQA.

Recommended Actions:

Staff Recommendation

Staff Recommends That the City Council take the following actions:

1. Adopt Resolution No. 24-111 entitled: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADOPTING SPENDING PRIORITIES FOR THE SAN CLEMENTE PUBLIC SAFETY, BEACH MAINTENANCE AND CITY SERVICES MEASURE”; and
2. Adopt Resolution No. 24-112 entitled: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALLING AN ELECTION IN THE CITY OF SAN CLEMENTE TO BE CONSOLIDATED WITH THE CITY’S NEXT GENERAL MUNICIPAL ELECTION ON NOVEMBER 5, 2024, SUBMITTING TO THE ELECTORS A BALLOT MEASURE TO INCREASE THE CITY’S SALES AND USE TAX (“SALES TAX”) BY ONE CENT BY AMENDING SAN CLEMENTE MUNICIPAL CODE SECTION 3.20.050, ESTABLISHING THE POLICIES AND PROCEDURES FOR SUCH AN ELECTION, REQUESTING THAT ORANGE COUNTY PROVIDE ELECTION SERVICES, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND AUTHORIZING THE FILING OF REBUTTAL ARGUMENT”.

Attachment:

1. Resolution No. 24-111, including Exhibit A – Advisory Spending Guidelines
2. Resolution No. 24-112, including Exhibit A – Ordinance

Notification:

None.

RESOLUTION NO. 24-111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADOPTING SPENDING PRIORITIES FOR THE SAN CLEMENTE PUBLIC SAFETY, BEACH MAINTENANCE AND CITY SERVICES MEASURE

WHEREAS, in an emergency seconds count and approximately two-thirds of all calls to the Orange County Fire Authority serving San Clemente are related to medical emergencies; and

WHEREAS, San Clemente needs to maintain firefighter and paramedic staffing levels so they are able to respond quickly to emergencies and save lives; and

WHEREAS, crime has been increasing in our region in recent years; and

WHEREAS, the last reported crime statistics included 142 violent crimes and 908 property crimes and our residents have identified maintaining 911 emergency response times and the number of Sheriff's deputies patrolling our neighborhoods, as amongst their top priorities; and

WHEREAS, San Clemente beaches have been deteriorating since the 1990s, but with recent extreme rainstorms and the erosion of beaches and bluffs, independent scientists now say the problem is getting worse; and

WHEREAS, the San Clemente Public Safety, Beach Maintenance and City Services Measure (the "Measure") includes stringent fiscal accountability provisions and safeguards such as requiring public disclosure of all spending and guaranteed annual independent audits to ensure funds are used efficiently, effectively, and as promised; and

WHEREAS, Article XVI, section 6 of the California Constitution requires all funding to be spent locally for the benefit of the San Clemente community and cannot be taken by the County, State or Federal government; and

WHEREAS, the City Council desires that the funds of the Measure will be used for resident identified priorities, such as: keeping public areas safe and clean, maintaining local beaches and beach access for residents, protecting local drinking water supply and ocean water quality, and maintaining 911 emergency response; and

WHEREAS, as required by Article XIIC, section 2(b) of the California Constitution, the City Council intends to submit the Measure to the voters of the City of San Clemente to decide on November 5, 2024 whether it will be approved.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of San Clemente does hereby resolve, declare, determine and order as follows, that:

SECTION 1. The Advisory Spending Guidelines attached to this resolution as Exhibit A, which is fully incorporated herein by this reference, are hereby adopted and approved. If the voters of the City of San Clemente approve the Measure, the City Council hereby declares its intention to adopt spending priorities for the funds generated by the Measure that are consistent with the Advisory Spending Guidelines set forth in Exhibit A.

SECTION 2. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2024.

MAYOR of the City of
San Clemente, California

ATTEST:

CITY CLERK, Elections Official of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 24-111 was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California this _____ day of _____, 2024.

CITY CLERK, Elections Official of
the City of San Clemente, California

Approved as to form:

Elizabeth A. Mitchell, City Attorney



Proposed Spending Priorities for San Clemente Public Safety, Beach Maintenance & City Services Measure

These advisory spending guidelines summarize community-identified priorities for the use of locally generated funding revenue, should the San Clemente Public Safety, Beach Maintenance and City Services Measure (Measure) be adopted by San Clemente voters. Highlights of a recent Community Survey conducted on May 26th of this year and posted on the City’s website indicates that our San Clemente residents value a holistic definition of Quality of Life, based on the following community vision:

- ✓ **The City’s long-term Fiscal Sustainability, including a high level of Public Transparency and Fiscal Accountability over taxpayer dollars.**
- ✓ **Keeping our City’s Public Areas Safe and Clean for residents and businesses alike, including continuing to address homelessness.**
- ✓ **Maintaining 911 Police, Firefighter, and Emergency Response services, including street and road repairs for safety.**
- ✓ **Protecting our Clean Water, Beaches and Ocean Waters for all residents and future generations to enjoy.**

Based on the community’s feedback, the City of San Clemente City Council hereby affirms and adopts these Advisory Spending Guidelines and Priorities identified by the public and presents its advisory spending guidelines as follows:

Protecting Beaches, Public Access, Clean Ocean Waters, Clean Drinking Water	75% of Measure Proceeds
911 Police, Firefighter, and Emergency Response Services/Street & Road Repair	20% of Measure Proceeds ¹
Keeping Public Spaces Safe and Clean	5% of Measure Proceeds

Upon certification of the November 2024 Municipal Election results, should the Measure be adopted, the City Council intends to adopt the same as the actual Spending Plan for Measure proceeds, anticipated to be at its December 2024 meeting. Spending allocations will be prorated to reflect a partial fiscal year. General fund revenue generated by the Measure, anticipated to generate \$13,500,000 annually, would begin to be collected in April 2026.

Revenue generated by the Measure will be utilized as described in the Advisory Guidelines table on the following page.

¹ Police, fire, emergency medical services, and marine safety currently account for 45% of the City of San Clemente’s General Fund expenditures (\$39.8 million in FY 2024-25).

Service Priorities	Estimated Average Annual Expenditures
Protecting Beaches, Public Access, Clean Ocean Waters, Clean Drinking Water (Target: 75%)	\$10,125,000
<i>Maintaining beach access for residents</i> -Annual contribution to Capital Improvements and major maintenance to Beach Trail, Municipal Pier and Beach access points. - Routine maintenance on Beach Trail, Municipal Pier and Beach access points.	\$2,325,000
<i>Keeping sand on local beaches</i> -Annual contribution for ongoing USACE beach nourishment project and other sand replenishment opportunities.	\$5,500,000
<i>Protecting coastal water quality and local drinking water supply</i> -Clean Ocean Fund Activities to improve local surface and ocean water quality; diverting runoff to be used as a water source and lowering the City's demand for imported potable water.	\$2,300,000
911 Police, Firefighter, and Emergency Response Services/Street & Road Repair (Target: 20%)	\$2,700,000
<i>Maintaining 911 emergency response times</i> - Address rising cost of maintaining of Fire, Paramedic, Ambulance and Police services and emergency response levels.	\$500,000
<i>Maintaining Sheriff patrols</i> - Funding for overtime and/or additional sworn officers to cover high-need patrol areas and times.	\$1,400,000
<i>Maintaining streets and roads</i> - Dedicated funding for major street maintenance and repair to slow the incidence of pavement deterioration, cracking, and pothole formation.	\$800,000
Keeping Public Spaces Safe and Clean (Target: 5%)	\$675,000
<i>Continuing to address homelessness</i> - Community Outreach staff and expansion of Park Ranger Program.	\$550,000
<i>Public works services to keep public spaces safe and clean</i> -Sidewalk cleaning and debris removal from Pier Bowl, Del Mar, El Camino Real, North Beach, and other public spaces as needed.	\$125,000
TOTAL	\$13,500,000

RESOLUTION NO. 24-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALLING AN ELECTION IN THE CITY OF SAN CLEMENTE TO BE CONSOLIDATED WITH THE CITY'S NEXT GENERAL MUNICIPAL ELECTION ON NOVEMBER 5, 2024, SUBMITTING TO THE ELECTORS A BALLOT MEASURE TO INCREASE THE CITY'S SALES AND USE TAX ("SALES TAX") BY ONE CENT BY AMENDING SAN CLEMENTE MUNICIPAL CODE SECTION 3.20.050, ESTABLISHING THE POLICIES AND PROCEDURES FOR SUCH AN ELECTION, REQUESTING THAT ORANGE COUNTY PROVIDE ELECTION SERVICES, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND AUTHORIZING THE FILING OF REBUTTAL ARGUMENT

WHEREAS, in an emergency seconds count and approximately two-thirds of all calls to the Orange County Fire Authority serving San Clemente are related to medical emergencies; and

WHEREAS, San Clemente needs to maintain firefighter and paramedic staffing levels so they are able to respond quickly to emergencies and save lives; and

WHEREAS, crime has been increasing in our region in recent years; and

WHEREAS, the last reported crime statistics included 142 violent crimes and 908 property crimes and our residents have identified maintaining 911 emergency response times and the number of Sheriff's deputies patrolling our neighborhoods, as amongst their top priorities; and

WHEREAS, San Clemente beaches have been deteriorating since the 1990s, but with recent extreme rainstorms and the erosion of beaches and bluffs, independent scientists now say the problem is getting worse; and

WHEREAS, the San Clemente Public Safety, Beach Maintenance and City Services Measure (the "Measure") includes stringent fiscal accountability provisions and safeguards such as requiring public disclosure of all spending and guaranteed annual independent audits to ensure funds are used efficiently, effectively, and as promised; and

WHEREAS, Article XVI, section 6 of the California Constitution requires all funding to be spent locally for the benefit of the San Clemente community and cannot be taken by the County, State or Federal government; and

WHEREAS, per the City Council’s adoption of Advisory Spending Guidelines for this ordinance, the funds of this ordinance will be used for resident identified priorities, such as: keeping public areas safe and clean, maintaining local beaches and beach access for residents, protecting local drinking water supply and ocean water quality, and maintaining 911 emergency response; and

WHEREAS, pursuant to California Revenue and Taxation Code section 7285.9 the City of San Clemente ("City") has the authority to levy a Transactions and Use (“Sales”) Tax for general purposes that is subject to voter approval; and

WHEREAS, Article XIIC, section 2(b) of the California Constitution requires that the Measure must be approved by a majority vote of the voters voting on the issue and that such an election by the voters must be consolidated with a statewide general election at which members of the City Council will be elected; and

WHEREAS, as required by Article XIIC, section 2(b) of the California Constitution, the City Council desires that the voters of the City of San Clemente have the opportunity to decide on November 5, 2024 whether the Measure should be enacted.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of San Clemente does hereby resolve, declare, determine and order as follows, that:

SECTION 1. Pursuant to Elections Code section 9222, the City Council hereby calls an election at which it shall submit to the qualified voters of the City of San Clemente, a measure that, if approved, would increase the Transactions and Use Tax by one cent from one percent (1%) to two percent (2%) to fund general services in the City. This measure shall be designated by letter by the Orange County Registrar of Voters.

SECTION 2. The ballot language for the proposed measure shall be as follows:

SAN CLEMENTE PUBLIC SAFETY, BEACH MAINTENANCE, CITY SERVICES MEASURE	
Shall the measure maintaining San Clemente’s longstanding financial stability/general services such as: 911 emergency response; keeping public areas safe/clean; repairing streets/roads; protecting local beaches/beach access for residents, local drinking water supply, and ocean water quality; retaining local businesses, by establishing a 1¢ sales tax providing approximately \$13,500,000 annually until ended by voters; requiring public spending disclosure, independent audits, all funds used locally, be adopted?	YES
	NO

SECTION 3. The proposed measure submitted to the voters is as attached in Exhibit A to this Resolution, which is fully incorporated herein by this reference. The City Council hereby approves the proposed ordinance, in the form thereof, and its submission to the

voters of the City at the November 5, 2024 election. The full text of the measure shall be printed in the ballot materials and be available for public inspection in the City Clerk's office and on the City's website: <https://www.san-clemente.org>

SECTION 4. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the City of San Clemente, in accordance with Section 12111 of the California Elections Code.

SECTION 5.

a) Pursuant to California Elections Code sections 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 5, 2024. The City Council hereby requests that the Orange County Board of Supervisors consolidate the election called by this resolution with the statewide election to be conducted on November 5, 2024 and order the election to be conducted by the Orange County Registrar of Voters. The City Council of the City of San Clemente acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code section 10418. The City Council recognizes that additional cost will be incurred by Orange County by reason of the consolidation of the election with the Statewide election and agrees to reimburse Orange County for any costs that are not reimbursed by the State, and the City Council hereby authorizes the City Manager to pay Orange County for said services in full. The City Clerk is directed to file a certified copy of this resolution with the Orange County Board of Supervisors and the Registrar of Voters on or before August 9, 2024.

(b) The election on the measure set forth in Section 3 shall be held and conducted, the voters canvassed and the returns made, and the results ascertained and determined as provided herein. The election shall be held in accordance with the Elections Code of the State of California.

(c) The election on the measure set forth in Section 3 shall be held in Orange County in the City of San Clemente on November 5, 2024, as required by law, and the Board of Supervisors of Orange County is authorized to canvass the returns of the election with respect to the votes cast in the City of San Clemente and certify the results to the City Council of the City of San Clemente.

(d) At the next regular meeting of the City Council of the City of San Clemente occurring after the returns of the election for the measure set forth in Section 3 have been canvassed and the results have been certified to the City Council, or at a special meeting called for such purpose if allowed or required by law, the City Council shall cause to be entered in its minutes a statement of the results of the election.

SECTION 6. The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot and to cause the ordinance or measure to be printed. A copy of the measure shall be made available to any voter upon request.

SECTION 7. Pursuant to California 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 by August 9, 2024.

SECTION 8.

(a) Arguments for or against this measure shall be submitted not later than 5 p.m. on August 9, 2024 to 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.

(b) Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five (5) persons.

(c) Pursuant to California Elections Code section 9285(b), the City Council is hereby adopting provisions for the filing of rebuttal arguments for this measure. Accordingly, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the author(s) of the argument against it, and copies of the argument against it to the author(s) of the argument in favor. Rebuttal arguments shall not exceed 250 words and shall be filed no later than 5:00 p.m. on August 20, 2024.

SECTION 9. Should any section, subsection, clause or provision of this resolution for any reason be held to be invalid, then the remainder of the resolution shall be deemed valid, it being expressly declared that this resolution, and each and every section, subsection, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified even if any other section, subsection, sentence, clause or phrase of this resolution were declared invalid.

SECTION 10. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

MAYOR of the City of
San Clemente, California

CITY CLERK of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 24-112 was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California this _____ day of _____, 2024.

CITY CLERK, Elections Official of
the City of San Clemente, California

Approved as to form:

Elizabeth A. Mitchell, City Attorney

Exhibit A

FULL TEXT OF MEASURE ____

ORDINANCE NO.

AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 3.20.050 (RATE) OF CHAPTER 3.20 (SALES AND USE TAX) OF TITLE 3 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO UPDATE THE CITY'S SALES AND USE TAX BY INCREASING IT TO ADD AN ADDITIONAL ONE CENT (ONE PERCENT)

WHEREAS, in an emergency seconds count and approximately two-thirds of all calls to the Orange County Fire Authority serving San Clemente are related to medical emergencies; and

WHEREAS, San Clemente needs to maintain firefighter and paramedic staffing levels so they are able to respond quickly to emergencies and save lives; and

WHEREAS, crime has been increasing in our region in recent years; and

WHEREAS, the last reported crime statistics included 142 violent crimes and 908 property crimes and our residents have identified maintaining 911 emergency response times and the number of Sheriff's deputies patrolling our neighborhoods, as amongst their top priorities; and

WHEREAS, San Clemente beaches have been deteriorating since the 1990s, but with recent extreme rainstorms and the erosion of beaches and bluffs, independent scientists now say the problem is getting worse; and

WHEREAS, this ordinance includes stringent fiscal accountability provisions and safeguards such as requiring public disclosure of all spending and guaranteed annual independent audits to ensure funds are used efficiently, effectively, and as promised; and

WHEREAS, Article XVI, section 6 of the California Constitution requires all funding to be spent locally for the benefit of the San Clemente community and cannot be taken by the County, State or Federal government; and

WHEREAS, per the City Council's adoption of Advisory Spending Guidelines for this ordinance, the funds of this ordinance will be used for resident identified priorities, such as: keeping public areas safe and clean, maintaining local beaches and beach access for residents, protecting local drinking water supply and ocean water quality, and maintaining 911 emergency response; and

WHEREAS, pursuant to California Revenue and Taxation Code section 7285.9 the City of San Clemente ("City") has the authority to levy a Transactions and Use ("Sales") Tax for general purposes that is subject to voter approval; and

WHEREAS, Article XIIC, section 2(b) of the California Constitution requires that this ordinance must be approved by a majority vote of the voters voting on the issue and that such an election by the voters must be consolidated with a statewide general election at which members of the City Council will be elected; and

WHEREAS, the City Council submitted this ordinance to the voters of the City of San Clemente to decide on November 5, 2024; and

WHEREAS, if approved by the voters, this ordinance would add an additional one cent to the Sales Tax.

NOW, THEREFORE, THE PEOPLE OF SAN CLEMENTE DO ORDAIN AS FOLLOW:

Section 1. Section 3.20.050 (Rate) of Chapter 3.20 (Sales and Use Tax) of Title 3 (Revenue and Finance) of the San Clemente Municipal Code is hereby amended by repealing and replacing it in its entirety to read as follows:

“3.20.050 - Rate.

The rate of sales tax and use tax imposed by this chapter shall be two percent.”

Section 2. Proceeds resulting from the Sales Tax shall be deposited into the City’s general fund and become subject to the same independent audit requirements as other general fund revenues. Any auditor’s report shall be presented to the City Council annually and made available for public review. Proceeds resulting from the Sales Tax, like other general fund revenues, must be spent for the benefit of the local San Clemente community.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The People of the City of San Clemente hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. It is found and determined that this ordinance is not a “project” as defined under Section 15378(b)(4) of the California Environmental Quality Act (CEQA) Guidelines because it is a financing decision without commitment to a specific project that may result in a potentially significant physical impact on the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the actions proposed are not subject to CEQA.

Section 5. This ordinance shall go into effect in accordance with Elections Code Section 9217 and shall be deemed adopted and become effective only if approved by a majority of the eligible voters of the City of San Clemente voting thereon, at an election to be held on November 5, 2024, and shall take effect ten (10) days after the City Council has certified the results of that election by resolution. The levying and collection of the

Sales Tax shall be as specified in Chapter 3.20 of Title 3 of the San Clemente Municipal Code and as directed by the City Council.

PASSED, APPROVED AND ADOPTED BY THE PEOPLE OF THE CITY OF SAN CLEMENTE this 5th day of November, 2024.

It is hereby certified that this Ordinance was duly adopted by the voters at the November 5, 2024 election, and that the City Council declared the results of such election, in the manner required by law, at a meeting of the City Council held on December __, 2024 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor of the City of
San Clemente, California

ATTEST:

CITY CLERK, Elections Official of
the City of San Clemente, California

Approved as to form:

Elizabeth A. Mitchell, City Attorney