

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

934



FROM: Registrar of Voters

SUBMITTAL DATE: March 10, 2003

A

SUBJECT: SPECIAL ELECTION FOR THE CITY OF DESERT HOT SPRINGS

RECOMMENDED MOTION: That the Board authorize the Registrar of Voters to conduct the special election for the City of Desert Hot Springs.

BACKGROUND: On March 4, 2003 the Desert Hot Springs City Council adopted a resolution directing submission of one measure to the voters in a special municipal election to be held on June 3, 2003. The resolution calls for the approval of a new five-year Utility Users Tax commencing July 1, 2005. The existing five-year Utility Users Tax expires June 30, 2005. Further, the resolution calls for dedicating 50% of the revenue generated to resolving the City's bankruptcy and restructuring the City's debt and 50% dedicated to providing needed public safety.

The City of Desert Hot Springs has requested the Registrar of Voters to conduct this election. There are no other elections scheduled June 3, 2003.

John W. Wilber
for **MISCHELLE TOWNSEND**
Registrar of Voters

Attachment: City of Desert Hot Springs Resolution NO. 2003-04

FINANCIAL DATA:

CURRENT YEAR COST \$ 8,000
NET COUNTY COST \$ N/A

ANNUAL COST \$ N/A
IN CURRENT YEAR BUDGET: N/A
BUDGET ADJUSTMENT: N/A FOR FY: 02/03

SOURCE OF FUNDS: City to reimburse department

C.E.O. RECOMMENDATION:

APPROVE

County Executive Officer Signature

Lisa Brandt

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

2.5

RECEIVED
03 MAR - 7 PM 1:41
REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE

RESOLUTION NO. 2003-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, DIRECTING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF OF DESERT HOT SPRINGS A MEASURE IMPOSING THE LEVY AND COLLECTION OF A UTILITY USERS TAX COMMENCING JULY 1, 2005, AT A RATE OF FIVE PERCENT OF THE COST OF THE UTILITY SERVICES AND HAVING AN EXPIRATION DATE OF JUNE 30, 2010 WITH FIFTY PERCENT DEDICATED TO RESOLVING THE CITY'S BANKRUPTCY AND RESTRUCTURING THE CITY'S DEBT AND FIFTY PERCENT DEDICATED TO PROVIDING NEEDED PUBLIC SAFETY

WHEREAS, the City of Desert Hot Springs (the "City") is in Bankruptcy (U.S. Bankruptcy Court, Central District of California, Case No. RS01-30756) and accordingly seeks protection to resolve and restructure debts and fund public safety; and

WHEREAS, if the 2000 Utility Users Tax expires on June 30, 2005, without being extended or replaced, the City may become financially insolvent; and

WHEREAS, pursuant to Election Code Section 9222, the City Council may submit to the qualified electors of the City a proposition, without petition therefor, by ordinance or resolution; and

WHEREAS, pursuant to Government Code Section 53723, the City Council desires to submit to the qualified electors of the City at a June 3, 2003, special municipal election a measure approving a new Five-Year Utility Users Tax Ordinance, attached hereto; and

NOW, THEREFORE, be it resolved by the City Council of the City of Desert Hot Springs as follows:

SECTION 1. The City Council, pursuant to Government Code Section 53723 hereby orders that the following question be submitted to the qualified electors of the City of Desert Hot Springs at a special municipal election to be held on June 3, 2003:

MEASURE " _ ": UTILITY USERS TAX

"SHOULD A UTILITY USERS TAX ORDINANCE BECOMING EFFECTIVE ON JULY 1, 2005, AND EXPIRING ON JUNE 30, 2010, LEVYING AND COLLECTING A TAX AT THE RATE OF 5% OF UTILITY SERVICE CHARGES BE APPROVED WITH FIFTY PERCENT DEDICATED TO RESOLVING THE CITY'S BANKRUPTCY

AND RESTRUCTURING THE CITY'S
DEBT AND FIFTY PERCENT DEDICATED
TO PROVIDING NEEDED PUBLIC
SAFETY

Yes _____

No _____?"

SECTION 2. The City Clerk is hereby directed to transmit a copy of the measure set forth in Section 1 above to the City Attorney, who shall prepare an impartial analysis of the measure in accordance with Section 9280 of the Elections Code.

SECTION 3. The Board of Supervisors of the County of Riverside is hereby requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the special municipal election.

SECTION 4. The County Election Department is hereby authorized to canvass the returns of the special municipal election.

SECTION 5. The City of Desert Hot Springs recognizes that costs will be incurred by the County of Riverside in connection with the special municipal election and agrees to reimburse the County for any such costs.

SECTION 6. In the event that the new Five-Year Utility Users Tax Ordinance may not be approved by a two-thirds majority vote of the electors casting ballots in favor of the adoption of the new Five-Year Utility Users Tax Ordinance on June 3, 2003, then in such event, the new Five-Year Utility Users Tax Ordinance shall have no force or effect nor shall it have any force or effect on the current Utility Users Tax in effect until June 30, 2005.

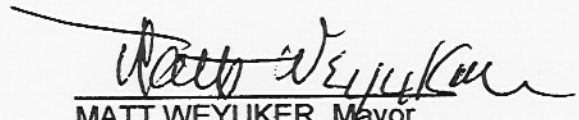
SECTION 7. Upon approval of the new Five-Year Utility Users Tax Ordinance by a two-thirds majority vote of the electors voting on the issue and the certification of the results of the June 3, 2003, election by the City Council in the manner authorized by law, the Mayor and City Clerk are hereby authorized and directed to attest to the approval of the new Five-Year Utility Users Tax Ordinance and the special taxes imposed therein by a two-thirds majority vote of the electors.

SECTION 8. Provided the imposition, levy and procedures for the administration and collection of the special taxes as set forth in the new Five-Year Utility Users Tax Ordinance are approved by a two-thirds majority vote of the electors casting ballots in favor of the new Five-Year Utility Users Tax Ordinance on June 3, 2003, the operative date of the imposition, levy and procedures for the administration and collection of such taxes shall be July 1, 2005.


SECTION 9. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Riverside.

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

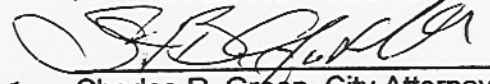
PASSED, APPROVED AND ADOPTED this fourth day of March, 2003.


MATT WEYUKER, Mayor

ATTEST:


Rossie Stobbs, City Clerk

APPROVED AS T LEGAL FORM:


Charles R. Green, City Attorney

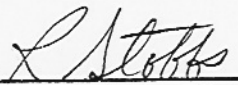
I, Rossie Stobbs, hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Desert Hot Springs at a regular meeting thereof, held on the fourth day of March, 2003, by the following vote of the Council:

AYES: Mayor Weyuker, Vice Mayor Ruppert, Councilmembers Bosworth, Pieper and Stephens

NOES: None

ABSTAIN: None

ABSENT: None


Rossie Stobbs, City Clerk
(Seal)