

RESOLUTION NO. 25231

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA CALLING FOR THE PLACEMENT OF A GENERAL TAX MEASURE ON THE BALLOT FOR THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF AN ORDINANCE TO EXTEND THE TERM OF MEASURE "J", A ONE PERCENT (1%) GENERAL TRANSACTIONS AND USE TAX (SALES TAX), BY REMOVING ITS SUNSET; AND MAKING VARIOUS TECHNICAL UPDATES TO THE TRANSACTIONS AND USE TAX ORDINANCE

WHEREAS, the City of Palm Springs ("City") is authorized to levy a Transactions and Use Tax ("sales tax") for general purposes pursuant to California Revenue and Taxation Code section 7285.9, subject to approval by a majority vote of the electorate pursuant to Article XIII C, section 2 of the California Constitution ("Proposition 218"); and:

WHEREAS, also known as Measure "J", and approved by Palm Springs voters in 2011, the City currently levies for general purposes a sales tax of 1 percent (1%) on the sale and/or use of all tangible personal property sold at retail in the City, as more specifically set forth in current Article I (Sections 3.22.010 through 3.22.140) of Chapter 3.22 of Title 3 of the City's Municipal Code; and

WHEREAS, by its terms, the Measure "J" sales tax has a sunset of 25 years from the operative date of the tax, which is March 31, 2037; and

WHEREAS, pursuant to City Charter §802 and California Elections Code §9222, the City Council has authority to place local measures on the ballot to be considered at a Municipal Election; and

WHEREAS, the City Council would like to submit to the voters at the November 5, 2024 General Municipal Election a measure extending the term of the current one percent (1%) Measure "J" sales tax to remove the 25-year sunset, with the tax remaining operative until it is repealed by voters, as more specifically set forth in the attached proposed ordinance amending Sections 3.22.010 through 3.22.140 of the City's Municipal Code; and

WHEREAS, by placing this measure on the ballot, the City Council would also like to submit to the voters various technical updates to the Measure "J" sales tax ordinance to conform its terms to the most modern terminology used by the California Department of Tax and Fee Administration (CDTFA), the State agency charged with collecting, processing and remitting sale tax revenues to cities, counties and other local agencies within the State of California; and

WHEREAS, this proposed sales tax measure will remain a general tax, the revenue of which will be placed in the City's general fund and will be used to pay for general City services; and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218, an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, pursuant to Proposition 218 (California Constitution, Article XIII C, section 2(b)), the general rule is that any local election for the approval of a new, extended or increased general tax must be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

WHEREAS, the next regularly scheduled general election at which City Council members will be elected is November 5, 2024; and

WHEREAS, pursuant to Revenue and Taxation Code section 7285.9, a two-thirds (2/3) vote of all members of the City Council is required to place the Measure on the November 5, 2024 ballot; and

WHEREAS, the ordinance to be considered by the qualified voters and the terms of approval, collection and use of the general sales tax are described and provided for in the ordinance/measure attached hereto as Exhibit "A" (the "Measure") and by this reference made an operative part hereof, in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

SECTION 2. Submission of Ballot Measure. Pursuant to California Elections Code §9222, Government Code §53724, Revenue and Taxation Code §7285.9 and any other applicable requirements of the laws of the State of California relating to the City, the City Council, by a two-thirds (2/3) vote of all members, hereby orders the Measure to be submitted to the voters of the City at the General Municipal Election to be held on Tuesday, November 5, 2024.

SECTION 3. The City Council, pursuant to California Elections Code section 9222, hereby orders that the ballot question for the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the General Municipal Election to be held on Tuesday, November 5, 2024, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

<p>“CITY OF PALM SPRINGS SALES TAX EXTENSION MEASURE.</p>	<p><b>YES</b></p>
<p>To continue funding for general City services such as expanding police and fire services, maintaining and improving streets, parks and infrastructure, supporting community non-profit organizations and improving the City library; shall the measure maintaining the Measure J City sales tax at a 1% rate and extending its term by repealing its March 31, 2037 expiration date/sunset, generating approximately \$22,000,000 annually until ended by voters, be adopted?”</p>	<p><b>NO</b></p>

SECTION 4. Conduct of Election. The City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. Pursuant to Elections Code §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 not later than the deadline for submittal of primary arguments for or against the Measure.

The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: “The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the Office of the City Clerk at (760) 323-8206 and a copy will be mailed at no cost to you.”

SECTION 6. Notice of 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 7. Placement on the Ballot. The full text of the Measure shall not be printed in the voter information guide, and, if not printed, a statement shall be printed on the ballot pursuant to Elections Code §9223 advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk.

SECTION 8. Filing with County. The City Clerk shall, not later than the 88th day prior to the General Municipal Election to be held on Tuesday, November 5, 2024, file with the Board of Supervisors and the Registrar of Voters of the County of Riverside, State of California, a certified copy of this Resolution.

SECTION 9. Public Examination. Pursuant to Elections Code §9295, this Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

SECTION 10. The City Council hereby finds and determines that the Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

SECTION 11. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

SECTION 12. This Resolution shall become effective upon its adoption.

SECTION 13. Certification. 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 BY THE CITY COUNCIL OF THE CITY OF PALM SPRINGS THIS 9<sup>TH</sup> DAY OF JULY 2024.

  
\_\_\_\_\_  
JEFFREY BERNSTEIN  
MAYOR

ATTEST:

  
\_\_\_\_\_  
BRENDA FREE  
CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, BRENDA PREE, City Clerk of the City of Palm Springs, hereby certify that Resolution No. 25231 is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on July 9, 2024, by the following vote:

AYES: Councilmembers Garner, Holstege, Middleton, Mayor Pro Tem deHarte, and Mayor Bernstein  
NOES: None  
ABSENT: None  
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this 9<sup>th</sup> day of July, 2024.

  
\_\_\_\_\_  
Brenda Pree, MMC, CERA, City Clerk  
City of Palm Springs, California