

ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE TOWN OF YUCCA VALLEY ADDING CHAPTER 3.28 TO THE YUCCA VALLEY MUNICIPAL CODE IMPOSING A SPECIAL PURPOSE TEMPORARY TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION, SUBJECT TO APPROVAL OF TWO-THIRDS OF THE ELECTORS VOTING ON THE TAX MEASURE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016.

WHEREAS, Revenue and Taxation Code section 7285.91 authorizes the governing body of any city to levy a transactions and use tax under Part 1.6 of the Revenue and Taxation Code, the proceeds of which are designated for a specific purpose; and

WHEREAS, Revenue and Taxation Code section 7285.91 requires the governing body of the city to adopt an ordinance proposing to levy a special purpose transactions and use tax by a two-thirds vote of the body, and then submit the ordinance to the voters for approval, which also must be by a two-thirds vote; and

WHEREAS, the Town Council and the People of the Town of Yucca Valley desire to adopt a transactions and use tax pursuant to Revenue and Taxation Code section 7285.91 for the purpose of subsidizing assessments being levied upon Town residents as a result of Town-wide sewer improvements; and

WHEREAS, According to various studies, the prolonged use of septic systems in Yucca Valley has resulted in the pollution of the local groundwater supply. Septic system discharge has been slowly degrading local water quality for decades. Nitrates and other contaminants from septic system discharge are currently reaching groundwater; and

WHEREAS, In an effort to address groundwater quality concerns, on March 10, 2016, the California Regional Water Quality Control Board (“CRWQCB”) amended Resolution No. R7-2011-0004 with the adoption of a groundwater Basin Plan Amendment that prohibits septic tank discharges in Yucca Valley to protect groundwater quality as early as June 30, 2021 in Phase 1 and June 30, 2025 for Phases 2 & 3; and

WHEREAS, The Hi-Desert Water District (“HDWD”) is constructing a sewer collection system and wastewater reclamation facility (the “Sewer Project”) to assist property owners in complying with State’s mandate. The Sewer Project will include:

- Approximately 78 miles of sewer main;
- Three pump stations;
- A wastewater treatment and reclamation facility;
- Replacing existing roads with new roads due to construction of the Sewer Project.

WHEREAS, Goals of the Sewer Project include, without limitation:

- To collect and treat local wastewater;
- To keep septic discharge out of the local water supply;
- To protect local water quality for future generations; and
- To give residents access to reliable and affordable sewer service

WHEREAS, The Sewer Project's completion would ensure compliance with State mandates, prevent local residents from being fined for continued septic discharge, and most importantly protect local groundwater; and

WHEREAS, The Sewer Project completion will enable restaurants, retail shops and other businesses to easily connect to sewer service, and will remove an infrastructure obstacle to new business development in the Town; and

WHEREAS, The Sewer Project is estimated to cost \$150 million and HDWD is financing the Sewer Project through a low-interest loan from the State Revolving Fund (the "Loan"). HDWD proposes to form two assessment districts and levy an assessment on all properties that will specially benefit from the Sewer Project. The proposed assessments include construction costs, interest on the Loan, and certain incidental and administrative expenses required in connection with the Loan. The proposed assessments allow property owners to finance the Sewer Project to ease the financial burden of complying with the CRWQCB's prohibition and to construct the Sewer Project to protect the local groundwater supply; and

WHEREAS, Three benefit areas (phases) were established based upon the proportionate special benefits that properties will receive from the sewer system as a whole. While properties in Phase 1 will connect to the Sewer Project and begin receiving service when the first phase of construction is complete, properties in Phases 2 and 3 will connect at a later time. These later connecting properties identified in Phases 2 and 3 will also receive special benefits from Phase 1 of the Sewer Project and will be paying for their share of the treatment facilities and sewer lines that they will use in the future. Because they are connecting at a later date, their first assessment for Phase 1 is smaller and a second assessment district will be proposed for these properties to secure funding to construct Phase 2 and 3 of the Sewer Project; and

WHEREAS, On May 13, 2015, property owners approved forming Assessment District 2014-1 by mail-in ballot to finance the cost to construct Phase 1 of the Sewer Project, with the need for a subsequent assessment district formation or annexation by vote at a later date to secure funding to fully construct Phases 2 and 3; and

WHEREAS, The Sewer Project assessments will be levied and be a lien on privately and publicly owned properties for 30 years. The assessments will vary by property classification, but in all cases will entail a significant financial contribution from the property owners of the Town of Yucca Valley, with some single family residents being required to pay approximately \$700.00 per year, with commercial properties and other high-flow properties subject to significantly higher costs; and

WHEREAS, Although the need for the Sewer Project is critical, some residents and property owners in the Town may suffer substantial financial hardship as a result of the Sewer Project assessments and connection costs described above; and

WHEREAS, The Town has heard a great deal from the community about the desire to reduce the cost of the sewer assessment for local residents and received valuable input from the community through the Town's Strategic Planning Outreach activities; and

WHEREAS, For the past year, members of the Citizens for Lower Sewer Costs Committee, and other community members, have been working with the Town to identify and evaluate potential local revenue options to lower the cost of the sewer assessment for residents; and

WHEREAS, The Citizens for Lower Sewer Costs Committee, along with other community members and Town staff, have concluded that the best option available to the Town to lower the cost of the sewer assessment is a one-half cent sales tax measure; and

WHEREAS, The Citizens for Lower Sewer Costs Committee recommends the Town Council place a one-half cent sales tax measure to lower sewer assessment cost on the November 2016 ballot for voters' consideration; and

WHEREAS, To facilitate the Sewer Project and subsidize assessments associated with the Sewer Project, the Town Council of the Town of Yucca Valley desires to place a special purpose transactions and use (sales) tax ordinance, as authorized by Revenue and Taxation Code section 7285.91 and attached hereto as Exhibit A, as a measure before the voters at the November 8, 2016 election consolidated with the general municipal election of that date. This tax shall be a special tax, the revenues of which shall only be used to lower individual property assessments in all three phases of the Sewer Project; and

WHEREAS, The proposed sewer measure is a special purpose measure that requires by law that all measure funds are spent on reducing the costs of the sewer system for residents and funds from the measure cannot be redirected or taken for other uses by the Town Council; and

WHEREAS, The proposed sewer measure will reduce the cost to taxpayers for funding the sewer system by up to 30 percent per year; and

WHEREAS, The proposed sewer measure requires by law that all funds are spent locally in Yucca Valley to equitably reduce the costs of the sewer system for all residents; and

WHEREAS, The proposed sewer measure is subject to review by an independent citizens' oversight committee, mandatory financial audits, and regular reports to the community to ensure the funds are spent as promised; and

WHEREAS, The tax, if approved, would be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property, at a rate of one-half cent per dollar (0.5%). The tax revenue would be collected by the State Board of Equalization and remitted to the Town for dedication towards the lowering of Sewer Project assessments; and

WHEREAS, The proposed measure is a special purpose Sewer Project measure that requires by law that all its proceeds be spent to lower Sewer Project assessment rates, either directly or through contribution towards direct Sewer Project costs, and cannot be redirected or taken by the Town Council for other uses. The proposed special tax would equitably subsidize Sewer Project assessments and costs in all phases of the Project in the existing Assessment District 2014-1, inclusive of any annexations into Assessment District 2014-1 for the eventual completion of Phases 2 & 3. Should a new assessment district be established in lieu of annexation into the existing Assessment District 2014-1 for the primary purpose of the completion of Phases 2 & 3 of the Sewer Project, the proposed special tax would be applied equally toward the gross total assessment of all assessment districts, as if the assessment districts were one. As a special purpose tax, the proposed measure can only be approved if it receives at least a two-thirds vote at the general municipal election to be held on November 8, 2016; and

WHEREAS, If approved by the voters, such tax would be administered and distributed in accordance with a legal and binding agreement entered into between the Town of Yucca Valley and the HDWD, which would specify an expenditure method ensuring that special tax proceeds are utilized to lower assessments associated with the Sewer Project. It is contemplated that such agreement would lower citizen assessments by dedicating the special tax proceeds to the annual debt service on the Loan secured by Assessment District 2014-1, with an administrative cost not to exceed five (5) percent. Further such agreement would require the annual reporting and notification to affected property owners by the HDWD of the assessment reduction that is attributable to the proceeds of the special tax; and

WHEREAS, A general municipal election on Tuesday, November 8, 2016, has been called by Resolution No. 16-15, adopted on June 7, 2016; and

WHEREAS, On the basis of the foregoing, the Town Council held a noticed public hearing on August 2, 2016, and the Town Council hereby determines it is appropriate to place the special tax measure before the voters at the November 8, 2016, general municipal election.

NOW THEREFORE, on the basis of the foregoing, the People of the Town of Yucca Valley at the November 8, 2016, general municipal election do hereby Ordain as follows:

SECTION 1. A new Chapter 3.28 is hereby added to the Yucca Valley Municipal Code to read as follows:

“Chapter 3.28”

SEWER IMPLEMENTATION AND ASSESSMENT ASSISTANCE
TRANSACTIONS AND USE TAX

3.28.010: SHORT TITLE:

This Chapter shall be known as the Town of Yucca Valley Sewer Implementation and Assessment Assistance Transactions and Use Tax Ordinance. This Chapter shall be applicable only in the incorporated territory of the Town.

3.28.020: BASIC DEFINITIONS:

A. As used in this Chapter, "Town" means the Town of Yucca Valley and "tax" means the temporary transactions and use tax (special tax) imposed under the provisions of this Chapter. The tax imposed in this Chapter is a special tax, the funds of which shall be dedicated towards those sewer implementation purposes described in Section 3.28.090.

B. As used in this Chapter, "Hi-Desert Water District" means that county water district by the same name organized and operating pursuant to the provisions of the County Water District Law, Water Code §§ 30000 *et seq.*

C. As used in this Chapter, "Sewer Project" means that Town-wide conversion of septic systems to a sewer collection system and construction of wastewater reclamation facilities, recharge ponds and appurtenances, all as undertaken by the Hi-Desert Water District in response to California Regional Water Quality Control Board Resolution No. R7-2011-0004 adopted on May 19, 2011.

D. As used in this Chapter, "Assessment" means all assessed rates levied in the Town pursuant to the provisions of the "Municipal Improvement Act of 1913" (being Division 12 of the Streets and Highways Code of the State of California, commencing with Section 10000), for purposes of financing the costs constructing the Sewer Project, including rates adopted for Assessment District 2014-1 and subsequent assessment districts formed or annexed by vote in relation thereto.

3.28.030: OPERATIVE DATE:

"Operative Date" means the first day that the tax is imposed. The "operative date" means the first day of the first calendar quarter commencing more than 110 days after the effective date of this Chapter, such effective date being as set forth below.

3.28.040: GENERAL PURPOSE:

This Chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a special, temporary retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2, which authorizes the Town to adopt this special tax ordinance, which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a temporary retail transactions and use tax (special tax) ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with

the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a temporary retail transactions and use tax ordinance that imposes a special tax and provides a measure therefore that may be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a special, temporary retail transactions and use tax ordinance that may be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.28.050: CONTRACT WITH STATE:

Prior to the operative date, the Town shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this special transactions and use tax ordinance; provided however, that if the Town shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.28.060: IMPOSITION OF TRANSACTIONS TAX; TRANSACTIONS TAX RATE:

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the Town at the rate of one-half cent per dollar (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Chapter.

3.28.070: PLACE OF SALE:

For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be

determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.28.080: USE TAX RATE:

An excise tax is hereby imposed on the storage, use or other consumption in the Town of tangible personal property purchased from any retailer on and after the operative date of this Chapter for storage, use or other consumption in said territory at the rate of one-half cent per dollar (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

3.28.090: SPECIAL PURPOSE; DEDICATION OF TAX PROCEEDS TOWARDS SEWER IMPLEMENTATION; LOWERING OF CITIZEN SEWER ASSESSMENTS:

A. The tax established by this Chapter is a special tax, the proceeds of which are dedicated towards subsidizing those Assessments levied upon Town citizens for Sewer Project implementation.

B. Revenue and Taxation Code section 7285.91 requires that this ordinance include “an expenditure plan describing the specific projects for which the revenues from the tax may be expended.” All revenue from the tax shall be restricted revenue, expended solely to fund the Sewer Project in such a manner as to lower Sewer Project Assessments levied upon citizens in the Town of Yucca Valley. The Town shall negotiate an agreement with the Hi-Desert Water District under which Town will remit payments of the tax proceeds towards the Sewer Project on an agreed-upon basis, subject to the following terms:

1. The Town’s allocation of the tax proceeds towards the Sewer Project shall be credited towards Sewer Project Assessments imposed upon Town citizens,

2. The tax proceeds shall be credited towards Sewer Project Assessments equitably amongst all Assessment payers in all Sewer Project phases, such that all Assessment payers will receive the same pro-rata percentage decrease in their Assessments,

3. The tax proceeds shall not be used to pay for any Sewer Project services or improvements already provided by a governmental or private entity or in a manner that would diminish or replace services provided by the Hi-Desert Water District,

4. The tax proceeds may be used to pay for the Town’s costs associated with those independent audits, special fund management and administrative costs associated with the tax required by this Chapter, excepting that payment of administrative costs shall not exceed five (5) percent of the annual tax proceeds in any annual period, and

5. The Town's expenditure of tax proceeds shall be made on a regular basis on a frequency to be determined by Town and in conformance with the State Board of Equalization's allocation of such proceeds to the Town.

In the event the Town and Hi-Desert Water District are unable to reach mutual agreement upon the foregoing terms, the Town shall undertake an alternative method of utilizing the tax proceeds to directly achieve lower Assessments in an equitable manner for all Sewer Project phases, in accord with the foregoing expenditure terms (1) through (5). In any event, any expenditure of tax proceeds shall be undertaken for the sole purpose of decreasing or subsidizing Assessments equitably in all Sewer Project phases.

C. When received by the Town, the proceeds resulting from the transactions and use tax imposed by this Chapter shall be deposited into a special fund established by the Town as the "Sewer Project Assessment Assistance Fund". The Town's independent auditors shall complete a report reviewing the collection, management and expenditure of revenue from the tax levied by this Chapter. The independent auditor's report shall include an accounting of the revenues received and expenditures made from the Sewer Project Assessment Assistance Fund annually to the Town Council and made available for public review. The Town Council shall, as part of the Town's regular budget process, annually review, direct and adopt an expenditure plan for the Sewer Project Assessment Assistance Fund, applying the proceeds of the transactions and use tax consistent with the requirements of this Chapter. In no event shall the Town Council have authority to direct a use of tax proceeds that is inconsistent with the purposes expressed in this Chapter.

3.28.100: ADOPTION OF PROVISIONS OF STATE LAW:

Except as otherwise provided in this Chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Chapter as though fully set forth herein.

3.28.110: LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES:

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of the Town shall be substituted therefore. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Equalization, State Treasury, or the Constitution of the State of California.

2. The result of that substitution would require action to be taken by or against this Town or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.

3. In those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

- i. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or
- ii. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not be subject to tax by the State under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "Town" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203 of the Revenue and Taxation Code.

3.28.120: PERMIT NOT REQUIRED:

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Chapter.

3.28.130: EXEMPTIONS AND EXCLUSIONS:

A. There shall be excluded from the measure of the special transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of special transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the Town which is shipped to a point outside the Town, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the Town shall be satisfied:

- i. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-Town address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
- ii. With respect to commercial vehicles, by registration to a place of business out-of-Town and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the special use tax imposed by this Chapter, the storage, use or other consumption in this Town of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any State-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the Town shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the Town or participates within the Town in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the Town or through any representative, agent, canvasser, solicitor, subsidiary, or person in the Town under the authority of the retailer.

7. "A retailer engaged in business in the Town" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public

Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the Town.

D. Any person subject to use tax under this Chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.28.140: CHANGES IN LAW:

All amendments subsequent to the effective date of this Chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Chapter.

3.28.150: ENJOINING COLLECTION FORBIDDEN:

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Town, or against any officer of the State or the Town, to prevent or enjoin the collection under this Chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.28.180: EFFECTIVE DATE:

This Chapter levying the special tax described herein shall be effective ten (10) days after the date on which the Town Council has declared that the voters of the Town of Yucca Valley have approved the Chapter by a vote of no less than two-thirds of the votes cast by the electors voting on the tax measure set forth in this Chapter at that general municipal election to be held on Tuesday, November 8, 2016.

3.28.190: TERMINATION DATE:

The authority to levy the special tax imposed by this Chapter shall expire ten (10) years from the operative date.

3.28.200: CITIZEN SPECIAL TAX OVERSIGHT COMMITTEE:

An Independent Citizens' Special Tax Oversight Committee appointed by the Town Council shall review the expenditures of revenues generated by the tax

imposed by this Chapter, confirm that expenditures are undertaken for the specified purposes to which the tax proceeds are dedicated under this Chapter, and make the results of such review publicly available. Such Committee shall meet and be subject to all provisions of the Ralph M. Brown Act, Government Code Sections 54950 et seq.

3.28.210: PENALTIES:

Without limiting any remedies available at law or equity, any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor.

3.28.220: AMENDMENTS:

The tax rate in this Chapter may only be increased by a vote of the people of the Town of Yucca Valley; provided, however, that the Town Council may amend this Chapter to reduce the amount of the tax authorized herein or to otherwise implement or advance the purpose and intent of this Chapter.”

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The People of the Town of Yucca Valley hereby declared that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

SECTION 3. The adoption of this ordinance is not a "project" subject to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section §§ 21000 et seq.). CEQA Guideline 15378(b)(4) provides that the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment are not projects subject to the requirements of CEQA.

I hereby certify that Ordinance No. ____ was passed, approved and adopted by the People of the Town of Yucca Valley, California, voting on the 8th day of November, 2016.

MAYOR

ATTEST:

TOWN CLERK

Ordinance No. ____ was submitted to the People of the Town of Yucca Valley at the November 8, 2016, general municipal election. It was approved by the following vote of the electors:

YES: _____

NO: _____

State of California)
County of San Bernardino)
Town of Yucca Valley)

I, Lesley Copeland, Clerk of the Town of Yucca Valley, do hereby certify that the foregoing Ordinance was approved for placement on the ballot at the regular meeting of the Town of Yucca Valley Town Council on the 2nd day of August, 2016, and was passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Lesley Copeland, Town Clerk