

CITY OF WILDOMAR CITY COUNCIL AGENDA

6:30 P.M. – SPECIAL MEETING

DECEMBER 10, 2018
Council Chambers
23873 Clinton Keith Road



Ben J. Benoit, Mayor/Council Member-Elect, District 1
Marsha Swanson, Mayor Pro Tem/Council Member-Elect,
District 5
Bridgette Moore, Council Member, District 4
Dustin Nigg, Council Member, District 2
Timothy Walker, Council Member, District 3
Joseph Morabito, Council Member-Elect, District 3

Gary Nordquist
City Manager

Thomas D. Jex
City Attorney

**PLEASE TURN ALL DEVICES TO VIBRATE/MUTE/OFF
FOR THE DURATION OF THE MEETING. YOUR
COOPERATION IS APPRECIATED.**

CALL TO ORDER – SPECIAL SESSION - 6:30 P.M.

ROLL CALL

FLAG SALUTE

PUBLIC COMMENTS

GENERAL BUSINESS

1.1 Certification of November 6, 2018, General Municipal Election
RECOMMENDATION: That the City Council:

1. Adopt a Resolution entitled:

RESOLUTION NO. 2018 - 62
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, RECITING THE FACT OF THE
GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER
6, 2018, FOR MEASURE AA DECLARING THE RESULT
AND SUCH OTHER MATTERS AS PROVIDED BY LAW

2. Adopt a Resolution entitled:

RESOLUTION NO. 2018 - 63
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, RECITING THE FACT OF THE
GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER
6, 2018, IN DISTRICTS 1, 3 AND 5 DECLARING THE
RESULT AND SUCH OTHER MATTERS AS PROVIDED BY
LAW

PRESENTATIONS TO TIM WALKER

Mr. Walker will give his parting comments.

Presentations to Mr. Walker from other entities and the City.

REFRESHMENT BREAK

RECONVENE THE SPECIAL MEETING

SWEAR IN NEW COUNCIL MEMBERS

The City Clerk will deliver the Oath of Office to Council Members-Elect:

Ben J. Benoit, District 1

Joseph Morabito, District 3

Marsha Swanson, District 5

ADJOURN THE CITY COUNCIL

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Any person that requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting, may request such modification, accommodation, aid or service by contacting the City Clerk either in person or by phone at 951/677-7751, no later than 10:00 a.m. on the day preceding the scheduled meeting.

I, Debbie A. Lee, Wildomar City Clerk, do certify that on December 7, 2018, by 6:00 p.m., a true and correct copy of this agenda was posted at the three designated posting locations:

Wildomar City Hall, 23873 Clinton Keith Road;
U.S. Post Office, 21392 Palomar Street;
Wildomar Library, 34303 Mission Trail Blvd.



Debbie A. Lee, CMC, City Clerk

CITY OF WILDOMAR – COUNCIL
Agenda Item #1.1
SPECIAL ORDER OF BUSINESS
Meeting Date: December 10, 2018

TO: Mayor and City Council Members
FROM: Debbie A. Lee, City Clerk
SUBJECT: Certification of November 6, 2018 General Municipal Election

STAFF REPORT

RECOMMENDATION:

That the City Council:

1. Adopt a Resolution entitled:

RESOLUTION NO. 2018 - 62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA,
RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON
NOVEMBER 6, 2018 FOR MEASURE AA, DECLARING THE RESULT AND SUCH
OTHER MATTERS AS PROVIDED BY LAW

2. Adopt a Resolution entitled:

RESOLUTION NO. 2018 - 63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA,
RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER
6, 2018 DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY
LAW

BACKGROUND:

The City of Wildomar consolidated the City's Fifth General Municipal Election with the County of Riverside. The election was held on Tuesday, November 6, 2018, for two purposes. One purpose was for electing one Council Member each for a full term of four years in Districts 1, 3, and 5. The second purpose was to submit to the voters Measure AA which is the one-cent sales tax to be used for police, fire, roads, and homelessness.

COUNCIL ELECTION

DISTRICTS 1 & 5

Mayor Benoit currently holds the seat in District 1 and Mayor Pro Tem Swanson holds the seat in District 5. They both ran unopposed and were re-elected.

DISTRICT 3

Councilman Walker holds the seat in this District and was challenged by Joseph Morabito. Mr. Morabito won the seat.

FISCAL IMPACT:

\$25,000 has been budgeted for the election. The City has not received the invoice from the County as of the printing of this report. Even though the City is no longer holding at-large elections, because the Measure was placed on the ballot the Council elections also had to be held. The monies budgeted should cover the cost of this election.

Submitted by:
Debbie A. Lee, CMC
City Clerk/HR Manager

Approved by:
Gary Nordquist
City Manager

ATTACHMENTS:

Resolution No. 2018 – 62
Resolution No. 2018 - 63
Certificate of Registrar of Voters (Official canvass)

REBECCA SPENCER
Registrar of Voters



ART TINOCO
Assistant Registrar of Voters

**REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE**

**CERTIFICATE OF REGISTRAR OF VOTERS
TO THE RESULTS OF THE CANVASS OF ELECTION RETURNS**

State of California)
) ss.
County of Riverside)

I, **REBECCA SPENCER**, Registrar of Voters of said County, do hereby certify that, in pursuance of the provisions of Sections 15301, 15372, and 15374 of the California Elections Code, and the resolution adopted by the City Council, I did canvass the returns of the votes cast on November 6, 2018, as part of the Consolidated General Election in the

CITY OF WILDOMAR

and I further certify that the statement of votes cast, to which this certificate is attached, shows the whole number of votes for each candidate for elective office and for and against each measure at said election, in said City, and in each precinct therein, and that the totals as shown for said election are full, true, and correct.

Dated this 6th day of December 2018.



REBECCA SPENCER
Registrar of Voters



Leticia Flores
Elections Coordinator

RESOLUTION NO. 2018 - 62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018 FOR MEASURE AA, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Wildomar, California, on Tuesday, November 6, 2018, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

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

SECTION 1. That the whole number of ballots cast in the precincts except vote by mail voter ballots was 3130. That the whole number of vote by mail voter ballots cast in the City was 6962, making a total of 10,092 ballots cast in the City.

SECTION 2. That the measure voted upon at the election is as follows:

MEASURE AA
(ORDINANCE NO. 161)

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City for and against the measure were as listed in Exhibit "A" attached.

SECTION 4. The City Council does declare and determine that as a result of the election, a majority of the voters voting on the measure relating to Measure AA "An Ordinance of the City of Wildomar, California, Adopting a General Transaction and Use Tax (Sales Tax) as Enacted by the City of Wildomar Voters (attached as Exhibit "B") did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of ballots cast in the City; (2) The measure voted upon; (3) The number of votes given at each precinct for

and against the measure; (4) The total number of votes given for and against each measure.

SECTION 6. That 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 10th day of December, 2018.

Ben J. Benoit
Mayor

APPROVED AS TO FORM:

APPROVED:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk

ORDINANCE NO. 161

AN ORDINANCE OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A GENERAL TRANSACTIONS AND USE TAX, (SALES TAX) AS ENACTED BY THE CITY OF WILDOMAR VOTERS

WHEREAS, Revenue and Taxation Code section 7285.9 authorizes the governing body of any city (i.e. the City Council) to levy a transactions and use tax for general revenue purposes under Part 1.6 of the Revenue and Taxation Code; and

WHEREAS, Revenue and Taxation Code section 7285.9 requires the City Council to adopt an ordinance proposing to levy a general purpose transactions and use tax by a two-thirds vote of the City Council, and to then submit the ordinance to the voters, who must approve the ordinance by a majority of the voters voting on the measure for it to take effect; and

WHEREAS, the City Council and the People of the City of Wildomar desire to adopt a transactions and use tax pursuant to Revenue and Taxation Code section 7285.9 for general revenue purposes; and

WHEREAS, the City of Wildomar doesn't have enough fire stations, firefighters and emergency paramedics, and a majority of responses to 911 calls don't meet emergency medical time standards; and

WHEREAS, the City wishes to preserve its 911 medical response times by upgrading the City's only existing fire station and adding an additional station with additional firefighters and paramedics; and

WHEREAS, due to state takeaways, the City has had to reduce neighborhood police patrols --at the same time, the number of robberies and thefts in the City are increasing and there is growing concern about school safety/security; and

WHEREAS, more than 30% of Wildomar streets are rated 'poor,' 'very poor' or 'failed' by independent pavement management engineers, with many local streets still unpaved--essential repairs and safety improvements need to be implemented, before they become even more expensive; and

WHEREAS, Wildomar has a growing number of homeless individuals and resources are needed to enable the City to address mental health, substance abuse, and job training needs while ensuring our local business and public areas are safe and secure for everyone; and

WHEREAS, over the last six years, Wildomar lost over \$12,500,000 from Sacramento money grabs, resulting in the City having to cut back on neighborhood police patrols, maintenance and upgrades of local streets and other City infrastructure; and

WHEREAS, the revenues generated from the proposed transactions and use tax would be used by the City to pay for all of the aforementioned services, as well as other general municipal services.

THE PEOPLE AND THE CITY COUNCIL OF THE CITY OF WILDOMAR DO ORDAIN AS FOLLOWS:

SECTION 1: CITY OF WILDOMAR TRANSACTIONS AND USE TAX

A new Chapter 3.22 (Transactions and Use Tax) is added to Title 3 (Revenue and Finance) of the Wildomar Municipal Code as follows:

“Chapter 3.22. – TRANSACTIONS AND USE TAX

Sec. 3.22.010. – Title.

This article shall be known as the “City of Wildomar Transactions and Use Tax Ordinance.”

Sec. 3.22.020. – Purpose and Intent.

In enacting the City of Wildomar Transactions and Use Tax Ordinance (“ordinance”), it is the purpose and intent of the People of the City of Wildomar to:

- A. Impose a 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 7285.9 of Part 1.7 of Division 2 of the Revenue and Taxation Code which may be used for general municipal services and all lawful public purposes of the City.
- B. Adopt a retail transactions and use 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. Adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration 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 California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.
- D. Adopt a retail transactions and use tax ordinance that can 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 article.

Sec. 3.22.030 – 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 City, as it exists on the operative date of this article, and in the incorporated territory of the City as it may hereafter be amended through annexation, at the rate of one percent (1%) 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 ordinance.

Sec. 3.22.040 – Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in the incorporated territory of the City, and in the incorporated territory of the City as it may hereafter be amended through annexation, at the rate of one percent (1%) 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.

Sec. 3.22.050 – Independent Annual Audit.

The proceeds resulting from the transactions and use tax imposed by this article shall be deposited into the City's general fund and shall be subject to the same independent annual audit requirements as other general fund revenue. The independent auditor's report, which shall include an accounting of the revenues received and expenditures made from the transactions and use tax, will be presented annually to the citizen oversight committee, the City Council and made available for public review.

Sec. 3.22.060 – Operative Date.

"Operative Date" shall mean the first day of the first calendar quarter commencing more than 110 days after the adoption of the City of Wildomar Transactions and Use Tax Ordinance.

Sec. 3.22.070 – Termination.

The transactions and use tax levied by this article shall commence on the operative date and shall continue until terminated by a vote of the registered voters of the City.

Sec. 3.22.080 – Contract With State.

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this article; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration 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.

Sec. 3.22.090 – Place Of Sale.

For the purposes of this article, 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 or her 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 California Department of Tax and Fee Administration.

Sec. 3.22.100 – Adoption Of Provisions Of State Law.

Except as otherwise provided in this article 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 article as though fully set forth herein.

Sec. 3.22.110 – Limitations On Adoption Of State Law And Collection Of Use Tax.

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 City shall be substituted therefor. 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 of California Department of Tax and Fee Administration, 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 the City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this article.
 - 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:
 - a. 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;
 - b. 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 “city” 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.

Sec. 3.22.120 – 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 article.

Sec. 3.22.130 – Exemptions and Exclusions.

- A. There shall be excluded from the measure of the 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 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 City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his or her 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 City shall be satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Article 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-city 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

- b. With respect to commercial vehicles, by registration to a place of business out-of-city 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 the ordinance codified in this article.
 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 the ordinance codified in this article.
 5. For the purposes of subsections (B)(3) and (B)(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 use tax imposed by this article, the storage, use or other consumption in the City 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 the ordinance codified in this article.
 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 the ordinance codified in this article.

5. For the purposes of subsections (C)(3) and (C)(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 subsection (C)(7), a retailer engaged in business in the City 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 City or participates within the City 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 City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
 7. “A retailer engaged in business in the City” shall also include any retailer of any of the following: vehicles subject to registration pursuant to Article 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 City.
- D. Any person subject to use tax under this article 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.

Sec. 3.22.150 – Amendments.

All amendments subsequent to the effective date of this article to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are consistent 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 article, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this article.

Sec. 3.22.160 – 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 City, or against any officer of the state or the City, to prevent or enjoin the collection under this article, 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.

Sec. 3.22.170 – Citizen Oversight Committee.

- A. A citizens' oversight committee is hereby established to independently review and advise upon the City's expenditure of proceeds generated by the transactions and use tax. The committee shall meet at least twice each calendar year and more frequently if necessary to discharge the responsibilities of the committee. All meetings of the committee shall be held in accordance with provisions of the Ralph M. Brown Act (Cal. Gov. Code Section 54950 et seq.).
 1. The committee shall consist of five members, all whom shall be residents of the City of Wildomar. The City shall initially post and publish notice soliciting applications for persons interested in being members of the committee and shall thereafter repost and republish notice soliciting applications as necessary to fill vacancies on the committee. The City Council shall review all applications for eligibility and at a public meeting appoint five eligible applicants to serve as members of the committee. Each member of the committee shall serve for a term of two years and such service shall be at the pleasure of the City Council. Three members of the committee shall constitute a quorum. Members of the committee shall not receive a stipend for their service. Any additional responsibilities and duties of the committee shall be established by resolution of the City Council.
 2. The citizens' oversight committee shall annually review and report on (i) the City's proposed and actual expenditure of proceeds generated by the transaction and use tax and (ii) the independent annual audit required under this article. The committee's report shall be submitted to the City Council for review and discussion at a public meeting of the City Council.
 3. The City shall provide such staff resources as are reasonably necessary to assist the committee with the discharge of its duties under this article. The committee shall not have authority to hire or retain its own staff, consultants, or contractors."

SECTION 2: CEQA

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.

SECTION 3: SEVERABILITY

If any part or provision of this ordinance, or the application of this ordinance to any person or circumstance, is held invalid, the remainder of this ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

SECTION 4: ELECTION REQUIRED; EFFECTIVE DATE.

This ordinance shall be submitted to the voters at the regular municipal election to be held on November 6, 2018. This ordinance shall not become operative unless and until a majority of the electors voting on the measure vote to approve this ordinance, in which case this ordinance shall go into effect ten days after the date on which the election results are declared by the City Council.

Submitted to the voters at a General Municipal Election on November 6, 2018, with results declared at a Special Wildomar City Council Meeting on December 10, 2018 via Resolution No. 2018-62 incorporating certified results from the County of Riverside Registrar of Voters. Results show a majority of voters voted in favor of the Ordinance.

Certified this 10th day of December, 2018.

Debbie A. Lee, CMC
City Clerk

RESOLUTION NO. 2018 - 63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018 DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Wildomar, California, on Tuesday, November 6, 2018, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

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

SECTION 1. That the whole number of ballots cast in the precincts except vote by mail voter ballots was 1549. That the whole number of vote by mail voter ballots cast in the City was 3538, making a total of 5087 ballots cast in the City.

SECTION 2. That the names of persons voted for at the election for Member of the City Council are as follows:

District 1:
Ben J. Benoit

District 3:
Timothy W. Walker
Joseph Morabito

District 5:
Marsha Swanson

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates were as listed in Exhibit A attached.

SECTION 4. The City Council does declare and determine that:

Ben J. Benoit was elected as Member of the City Council in District 1 for the full term of four years;

Joseph Morabito was elected as Member of the City Council in District 3 for the full term of four years; and

Marsha Swanson was elected as Member of the City Council in District 5 for the full term of four years.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) For what office each person was voted for; (4) The number of votes given at each precinct to each person; (5) The total number of votes given to each person.

SECTION 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. That 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 10th day of December, 2018.

Ben J. Benoit
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee
City Clerk

[illegible]

[illegible]