



# CITY OF COLTON

## City Hall

650 N. La Cadena Drive  
Colton, CA 92324

Website: [www.coltonca.gov](http://www.coltonca.gov)

Mayor Richard A. DeLaRosa

**Council Members:**

- David J. Toro – District 1
- Summer Zamora Jorin – District 2
- Frank Navarro – District 3
- Dr. Luis S. González – District 4
- Deirdre H. Bennett – District 5
- Isaac T. Suchil – District 6

City Treasurer Aurelio De La Torre

City Manager William R. Smith

City Attorney Carlos Campos

City Clerk Carolina R. Padilla

## AGENDA

### SPECIAL MEETING

### OF THE CITY COUNCIL/ SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF COLTON / COLTON UTILITY AUTHORITY/COLTON PUBLIC FINANCING AUTHORITY/ COLTON HOUSING AUTHORITY

MONDAY, FEBRUARY 22, 2016 - 6:00 P.M.

#### Council Chambers

650 N. La Cadena Drive, Colton, California

Said Special Meeting shall be for the purpose of studying and/or taking action on the following matters:

#### OPEN SESSION

OPEN SESSION CALLED TO ORDER  
ROLL CALL

#### MAYOR AND COUNCIL ITEMS

#### GIFT DISCLOSURES

*Prior to rendering a decision in any proceeding involving a license, permit, contract or other entitlement pending before the city council, any council member who has received been promised a gift or gifts aggregating \$50.00 or more in value within the preceding twelve months from a party or participant in the proceeding shall disclose that fact either orally or in writing during open session. This disclosure shall be made part of the official public record of the proceeding, either as part of the minutes of the meeting or as a separate writing filed with the city. (CMC Section 2.04.030)*

#### AB 1234 ORAL REPORTS

*Members of the city council shall provide brief reports on meetings attended at the expense of the city. (GC Section 53232.3(d))*

#### PUBLIC COMMENT

**Limit 5 Minutes**

*This is the portion of the meeting specifically set aside to invite your comments regarding Consent Calendar items and any matters within the jurisdiction of the City Council; however, any matter that requires action will be referred to staff for investigation and report at a subsequent Council meeting. The Council is prohibited by law from discussing or taking immediate action on items during this public comment period.*

Persons desiring to submit paperwork to the City Council Members shall provide copy of any paperwork to the City Clerk for the Official Record.

Speakers will be limited to 5 minutes; provided, however, that the presiding officer shall have certain discretion to extend or limit time as provided for in the City Council Manual of Procedure.

-----  
**BUSINESS ITEMS**

- (1) Local Initiative Measure - Approve and adopt Resolution No. R-14-16 Calling for the placement of the general fund transfer/electric rate freeze initiative measure on the June 7, 2016 ballot; Approve and adopt Resolution No. R-15-16 requesting the County of San Bernardino to consolidate this election with the Statewide Primary Election also to be held on June 7, 2016; and Approve and adopt Resolution No. R-16-16 setting deadlines and rules for the submission of primary and rebuttal arguments for and against the proposed imitative measure, **RESOLUTION NOS. R-14-16, R-15-16 AND R-16-16.**

**ADJOURNMENT**

MOTION: \_\_\_\_\_ SECOND \_\_\_\_\_

**POSTING STATEMENT:**

I, Sabdi Sanchez, Chief Deputy City Clerk or my designee, hereby certify that a true and correct, accurate copy of the foregoing agenda was posted Thursday, February 18, 2016, at least twenty-four (24) hours prior to the meeting per Government Code 54954.2, at the following locations:

City of Colton City Hall 650 N. La Cadena Drive  
City of Colton Website, [www.coltonca.gov](http://www.coltonca.gov)

## PROCEDURES FOR ADDRESSING CITY COUNCIL

For the Official Record, it is requested that you obtain a card from the City Clerk and complete it by noting a specific item number on the Agenda, if applicable, or you can identify the subject that you wish to address under the Public Comment portion of the Agenda. The City Council encourages public input on all City issues within the Rules of Decorum. Speakers will be limited to the time periods provided on the Agenda; provided, however, that the presiding officer shall have certain discretion to extend or limit time as provided for in the City Council Manual of Procedure.

### RULES OF DECORUM

To help conduct the business of the City Council in an orderly fashion, the City Council has adopted rules pertaining to decorum and order, as provided for in the City Council Manual of Procedure. The City Council will strictly enforce these rules in order to allow full expression of ideas and opinions by councilmembers, staff and the public. Generally, the City's rules of decorum prohibit comments or actions which willfully disrupt the meeting. All remarks and questions shall be addressed to the Council as a whole and not to any particular member. No individual Councilmember or member of the City staff shall be questioned without first obtaining permission from the Presiding Officer. The City Council asks that all persons - including councilmembers, staff and the public - act and speak respectfully.

### NOTICE TO PUBLIC

Staff reports or other written documentation relating to each item referred to, on the Agenda, are available for public inspection at the following locations: Office of the City Clerk, 650 N. La Cadena Drive, Colton, CA; City of Colton Public Library, 656 9<sup>th</sup> St., Colton, CA; or the City of Colton Internet Website, [www.coltonca.gov](http://www.coltonca.gov). Any person having questions concerning any item on the Agenda may call the City Clerk at 370-5191 to make inquiry concerning the nature of the item described on the Agenda. The City Clerk shall direct inquiries to the appropriate office.

All matters listed under the Consent Calendar are considered by the City Council to be routine and will all be enacted by one motion. There will be no separate discussion of these items prior to the time the City Council votes on the motion, unless councilmembers, staff or the public request that specific items be discussed and/or removed for separate discussions or action.

In compliance with the American with Disabilities Act, if you need special assistance to participate in a City Meeting, please contact the City Clerk's Office at 909-370-5001. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

### LEGAL CHALLENGES

If you challenge in court any discussion or action taken concerning an item on this Agenda, you may be limited to raising only those issues you or someone else raised during the meeting or in written correspondence delivered to the City at or prior to the City's consideration of the item at the meeting.

### MANUAL OF PROCEDURE

The City Council adopted its Manual of Procedure pursuant to Resolution No. R-150-07; Amended by Minute Action on December 2, 2014 and adopted by Resolution No. R-03-15 on January 20, 2015. Copies are available in the Office of the City Clerk.

**THIS PAGE WAS INTENTIONALLY LEFT BLANK**



## STAFF REPORT

DATE: FEBRUARY 22, 2016  
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS  
FROM: BILL SMITH, CITY MANAGER *[Signature]*  
PREPARED BY: CARLOS CAMPOS, CITY ATTORNEY  
ANITA AGRAMONTE, DIRECTOR OF FINANCE *[Signature]*  
SUBJECT: LOCAL INITIATIVE MEASURE – INCREASING GENERAL FUND TRANSFER FROM ELECTRIC SYSTEM SURPLUS REVENUE FUND TO A MAXIMUM OF 20% OF GROSS REVENUES AND ESTABLISHING AN ELECTRIC UTILITY RATE FREEZE FOR FIVE YEARS

### RECOMMENDED ACTION

It is recommended that the City Council consider adopting the following Resolutions:

- Resolution No. R-14-16 calling for the placement of the general fund transfer/electric rate freeze initiative measure on the June 7, 2016 ballot;
- Resolution No. R-15-16 requesting the County of San Bernardino to consolidate this election with the Statewide Primary Election also to be held on June 7, 2016; and
- Resolution No. R-16-16 setting deadlines and rules for the submission of primary and rebuttal arguments for and against the proposed imitative measure.

Please note that these resolutions need to be approved by a unanimous (7-0) vote of the City Council.

### BACKGROUND

Over the last few years, the City's General Fund has been operating with structural deficits. This can be attributed to, among other things, the Great Recession of 2007 (reducing property, sales and business license tax revenue), the expiration of the City's utility users tax in 2010 (which generated approximately \$4.9 million of annual General Fund revenue), and the loss of Redevelopment in 2012. Overall, General Fund revenues declined by \$14.7 million from 2007 to 2012.

The General Fund pays for general City programs such as police, fire and paramedic response, parks, libraries and youth/senior programs. The City Council has responded to these substantial revenue losses by implementing furloughs, layoffs and hiring freezes, eliminating programs citywide, reducing operating hours at city facilities, deferring capital maintenance, replacement and improvements, and reducing budgets in all departments. In 2013 and 2015, the City also used certain one-time revenues to help balance the budget for those fiscal years.

However, there is general consensus that further budget cuts cannot be accomplished without sacrificing more public services and one-time revenues are not a sustainable form of financing the City's ongoing obligations. Therefore, over the last several months, the City Council, Finance Subcommittee and staff have been looking into ways to generate additional General Fund revenue in order to close the deficit and maintain public services. Among the options explored were reinstating the utility users tax, the implementation of a transactions and use tax, a parcel tax or the increase of the Electric Utility transfer to the General Fund. Ultimately, the Finance Subcommittee recommended to authorize the City Council to transfer a larger percentage of surplus Electric Utility revenues to the General Fund.

The City's Electric Utility is operating with a surplus. The Colton Municipal Code currently authorizes the City Council to transfer part of this surplus to the General Fund, up to a maximum of 12.39% of the Utility's gross revenues for the prior year. (C.M.C. §3.44.030(iii)(i)) This General Fund Transfer dates back to 1994 and, over the years, has assisted the City in balancing the budget so that general City programs are maintained. Furthermore, this type of transfer is a common practice among cities that operate an Electric Utility.

## ISSUES/ANALYSIS

The proposed measure would increase the maximum General Fund Transfer amount from 12.39% to 20% of the Utility's gross revenues. Staff estimates that this increase could generate as much as \$4.8 million annually, closing the City's current General Fund structural deficit and allowing for some reasonable reserves. The Council would retain the authority to adjust the General Fund Transfer from time to time, and each year during the budget process, subject to the 20% maximum.

The proposed measure would also impose a 5-year Electric Utility rate freeze. For 5 years from the measure's effective date, the City Council would be prohibited from increasing Electric Utility rates above what were approved on June 18, 2013 (Resolution No. R-39-13). This was the last time the Council set electric rates. The measure would only allow the Council to raise rates during this 5-year period by adopting a resolution, approved by *unanimous vote* of the Council, with written findings of emergency. Once the rate freeze expires, the Council would be able to increase rates in accordance with applicable law.

The City Attorney's Office has advised that the proposed General Fund Transfer increase from 12.39% to 20% is equivalent to a general tax increase under California Proposition 26. Therefore, majority voter approval is required. As such, the Council is not being asked to adopt the proposed measure. Instead, staff requests that the Council consider adopting the three resolutions attached

to this report in order to place the measure on the June 7, 2016 ballot so that Colton voters can decide.

Resolution R-14-16 is the principal resolution which calls the election and places the measure on the June 7, 2016 ballot. Under California Proposition 218, general tax measures must usually go on the ballot at the same time when Councilmembers are elected (November 8, 2016). However, Proposition 218 allows the Council to place a general tax measure on a ballot at another time, if, *by unanimous vote*, it makes findings of fiscal emergency that require the measure to be decided prior to the next Council election. Resolution R-14-16 includes fiscal emergency findings for the Council's consideration. We emphasize that if the Council cannot reach a unanimous decision, the earliest the measure could be put on the ballot is November 8, 2016 (which would require a minimum 2/3 supermajority).

Resolutions R-15-16 and R-16-16 are largely boilerplate resolutions to help set up the election on the measure. One resolution consolidates the measure with the June Statewide Primary Election, effectively allowing the San Bernardino County Registrar of Voters to conduct the election on the City's behalf. The other resolution sets deadlines and rules for how and when interested persons may submit arguments for or against the proposed measure. A simple majority will pass these resolutions.

#### **FISCAL IMPACT**

If approved, the increased General Fund Transfer is anticipated to generate approximately \$4.8 million in additional annual General Fund revenues. It is anticipated that this revenue will be able to close the current General Fund structural deficit and maintain current public services.

#### **ENVIRONMENTAL IMPACTS**

None.

#### **ALTERNATIVES**

1. Provide alternative direction to staff.

#### **ATTACHMENTS**

1. Resolution R-14-16 (with Measure/Ordinance O-04-16 attached)
2. Resolution R-15-16
3. Resolution R-16-16

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RESOLUTION NO. R-14-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA CALLING FOR THE PLACEMENT OF A MEASURE ON THE BALLOT AT THE JUNE 7, 2016 SPECIAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED ORDINANCE AUTHORIZING A TRANSFER FROM THE CITY'S ELECTRIC SYSTEM REVENUE FUND TO THE CITY'S GENERAL FUND IN AN AMOUNT NOT TO EXCEED 20% OF ELECTRIC SYSTEM GROSS REVENUES AND ESTABLISHING AN ELECTRIC UTILITY RATE FREEZE FOR A PERIOD OF FIVE YEARS.**

**WHEREAS**, the City of Colton operates a public electric utility that provides electrical service to local residents and businesses; and

**WHEREAS**, pursuant to Section 3.44.030(iii)(i) of Chapter 3.44 of Title 3 of the Colton Municipal Code, the City is authorized to transfer up to 12.39% of electric system annual gross revenues from the City's Electric System Revenue Fund to the City's General Fund (the "General Fund Transfer"); and

**WHEREAS**, funds placed in the General Fund via the General Fund Transfer pay for City services such as police protection, fire and paramedic services, street operations and maintenance, library services, parks and recreation services and general municipal services to the public; and

**WHEREAS**, pursuant to California Elections Code Section 9222, the City Council desires that the voters consider authorizing an increase in the General Fund Transfer from a maximum of 12.39 percent to a maximum of 20 percent of Electric System Gross Revenues; and

**WHEREAS**, the City Attorney's Office has advised that, pursuant to Proposition 26, approved by the voters on November 2, 2010 (California Constitution Article XIII C, Section 1(e)), an increase in the General Fund Transfer as proposed in this Measure is equivalent to a general tax increase; and

**WHEREAS**, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, Article XIII C, Section 2), an amendment to the State

1 Constitution which requires that all general taxes which are imposed, extended or increased  
2 must be approved by a majority vote of the voters; and

3 **WHEREAS**, Proposition 218 permits the City Council to call a special election to  
4 impose, increase or extend a general tax, only if the City Council finds, by a unanimous vote,  
5 that there exists an emergency requiring a special election to be conducted earlier than the  
6 next regularly scheduled general election at which city council members are to be elected; and

7 **WHEREAS**, the next regularly scheduled general election at which city council  
8 members are to be elected is not until November 8, 2016; and

9  
10  
11 **WHEREAS**, for the following reasons, the health, safety and general welfare of the  
12 citizens of the City would be endangered if the City were unable to place this Measure before  
13 its voters until November 8, 2016; and

14 **WHEREAS**, the General Fund of the City of Colton has sustained a severe revenue  
15 drop of \$14.7 million from 2007 to 2012, due to the economic decline resulting from the  
16 Great Recession, the loss of utility users tax revenues, and the loss of Redevelopment  
17 funding; and

18 **WHEREAS**, while the City Council has been able to use certain one-time revenues to  
19 help balance the City budget in 2013 and 2015, these revenues are not sustainable for long-  
20 term budgeting purposes; and

21 **WHEREAS**, the City Council has responded to declining revenues by implementing  
22 furloughs, layoffs, and hiring freezes, eliminating programs citywide, reducing operating  
23 hours at city facilities, deferring capital maintenance, replacement and improvements, and  
24 reducing budgets in all departments; and

25 **WHEREAS**, anticipated revenue increases and cost savings will not be sufficient to  
26 avoid further reductions to City services, thus impacting Colton's quality of life and long-term  
27 viability; and

28 **WHEREAS**, the City Council finds that there is a need to have the People of the City  
of Colton decide the General Fund Transfer measure before the start of the upcoming fiscal

1 year (July 1, 2016) so that the Council may prudently budget for the City's expenses; and  
2 delaying the election until November 8, 2016 will add substantial uncertainty to the FY 16-17  
3 budgeting process, further jeopardizing City services and quality of life; and

4 **WHEREAS**, all of the circumstances described create an emergency situation  
5 warranting the placement of the Measure on the next available special election ballot to  
6 permit the voters to decide on the GFT Transfer pursuant to Proposition 218; and

7 **WHEREAS**, in conjunction with the General Fund Transfer, the City Council also  
8 desires that the voters consider a ceiling on further electric system rate increases for a period  
9 of five (5) years, during which the City Council would be prohibited from increasing electric  
10 rates, except in a case of fiscal emergency declared by unanimous vote of the City Council  
11 (the "Rate Ceiling"); and

12 **WHEREAS**, the Rate Ceiling portion of this Measure also requires majority voter  
13 approval and is hereby submitted to the City's electorate.

14  
15  
16 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON**  
17 **DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

18  
19 **Section 1. Findings.** The City Council finds that all of the preceding recitals are  
20 true and correct, are incorporated herein by this reference, and made an operative part hereof.

21 **Section 2. Declaration of Emergency.** Pursuant to California Constitution,  
22 Article XIIC, Section 2(b), the City Council, **by a unanimous vote**, hereby declares the  
23 existence of an emergency in that there are imminent financial risks and dangers, as described  
24 above, to the public welfare and the City's financial ability to provide necessary municipal  
25 services without disruption, so that a special election is necessary to address such risks and  
26 dangers.

27  
28 **Section 3. Submission of Measure.** Pursuant to California Constitution, Article  
XIIIC, Section 2(b), California Government Code Section 53724 and any other applicable  
requirements of the laws of the State of California relating to general law cities, the City

1 Council, by a unanimous vote, hereby orders the following proposed Measure/ordinance to  
2 be submitted to the voters of the City at the special municipal election to be held on Tuesday,  
3 June 7, 2016:  
4

5 “To add approximately \$4,800,000 in funding annually for important 6 general city services such as police, fire, paramedics, parks, libraries and 7 senior services while also stabilizing electric utility rates; shall an 8 ordinance be adopted authorizing a transfer not to exceed twenty percent 9 (20%) of annual electric utility gross revenues to the City’s General 10 Fund, and establishing a freeze on electric utility rate increases for a 11 period of five (5) years, except in cases of financial emergency?” 12	13 YES          14 NO
---	---

15 **Section 4. Text of Ordinance.** The text of the ordinance to be submitted to the  
16 voters is attached as Exhibit A.  
17

18 **Section 5. Conduct of Election.** The City Clerk is authorized, instructed and  
19 directed to procure and furnish any and all official ballots, printed matter and all supplies,  
20 equipment and paraphernalia that may be necessary in order to properly and lawfully conduct  
21 the election. In all particulars not recited in this Resolution, the election shall be held and  
22 conducted as provided by law for holding municipal elections.  
23

24 **Section 6. Notice of Election.** Notice of the time and place of holding the  
25 election is hereby given, and the City Clerk is authorized, instructed and directed to give  
26 further or additional notice of the election, in time, form and manner as required by law.  
27

28 **Section 7. Impartial Analysis.** 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

1 operation of the Measure, and transmit such impartial analysis to the City Clerk not later than  
2 the deadline for submittal of primary arguments for or against the measure, as set forth in City  
3 Resolution No. R-15-16.

4  
5 The impartial analysis shall include a statement indicating whether the Measure was  
6 placed on the ballot by a petition signed by the requisite number of voters or by the City  
7 Council. In the event the entire text of the Measure is not printed on the ballot, nor in the  
8 voter information portion of the sample ballot, there shall be printed immediately below the  
9 impartial analysis, in no less than 10-font bold type, the following: **“The above statement is  
10 an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the  
11 ordinance or measure, please call the Office of the City Clerk at (909) 370-5001 and a  
12 copy will be mailed at no cost to you.”**

13  
14 **Section 8. Certification.** The City Clerk shall certify to the passage and adoption  
15 of this Resolution and enter it into the book of original Resolutions.

16 **PASSED, APPROVED AND ADOPTED** this 22nd day of February, 2016.

17  
18  
19 \_\_\_\_\_  
Richard A. DeLaRosa, Mayor

20 ATTEST:

21  
22  
23 \_\_\_\_\_  
Carolina R. Padilla, City Clerk

24  
25  
26 APPROVED AS TO FORM:

27  
28 \_\_\_\_\_  
Carlos Campos, City Attorney  
Best Best & Krieger

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTACHMENT "A"**

**ORDINANCE AUTHORIZING INCREASE IN GENERAL FUND  
TRANSFER FROM ELECTRIC SYSTEM REVENUE ACCOUNT  
AND SETTING FIVE-YEAR ELECTRIC UTILITY RATE FREEZE**

**[SEE ATTACHED PAGES 7 THROUGH 9]**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDINANCE NO. O-04-16**

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF COLTON AUTHORIZING A TRANSFER FROM THE CITY'S ELECTRIC SYSTEM REVENUE FUND TO THE CITY'S GENERAL FUND IN AN AMOUNT NOT TO EXCEED 20% OF ELECTRIC SYSTEM GROSS REVENUES, AND ESTABLISHING AN ELECTRIC UTILITY RATE FREEZE FOR A PERIOD OF FIVE YEARS, EXCEPT IN CASES OF FISCAL EMERGENCY.**

(NOTE: additions are highlighted in *bold italics* and deletions are highlighted in ~~strikeout~~)

THE PEOPLE OF THE CITY OF COLTON, CALIFORNIA DO HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Clause (i) of paragraph (iii) of Section 3.44.030 of Chapter 3.44 of Title 3 of the Colton Municipal Code is hereby amended to read as follows:

**"3.44.030 – Flow of Gross Revenues.**

The Treasurer shall deposit the Gross Revenues of the Electric System as received in the Revenue Account into a bank account separate and apart from other accounts of the City. On or before the 20th day of each calendar month, the Treasurer shall withdraw the entire amount on deposit in the Revenue Account and shall allocate and deposit such amount in the indicated priority to the following accounts, sub-account and fund:

- (i) First, there shall be transferred to the M&O Account an amount sufficient for the payment of Maintenance and Operation Expenses for the following month;
- (ii) Second, there shall be transferred to the Qualified Obligations Account the amount of Qualified Obligation Service necessary to be deposited (assuming equal monthly deposits) such that all Qualified Obligations may be made as scheduled (to the extent not already transferred to such Account in such month or not otherwise on deposit in such Account) or, if less, the entire amount of Gross Revenues then available for transfer, to such Account; and
- (iii) Third, all moneys remaining in the Revenue Account after the above transfers have been made shall be transferred to the Surplus Revenue Account. Moneys in the Surplus Revenue Account at any time shall be used in the following order of priority:
  - (a) For the payment of all Additional Installment Payments (as defined in the 1997 Installment Sale Agreement) that have accrued or been incurred or that are then due and payable.

....

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

(i) For transfer to the City's general fund, on a monthly basis, in an amount set by the City Council, but not greater than one-twelfth (1/12th) of ~~twelve point thirty nine~~ *twenty* (12.3920%) percent of the Electric System's Gross Revenues of the preceding Fiscal Year (less (x) the costs and expenses relating to sales of electricity for resale during such Fiscal Year, (y) contributions in aid of construction during such Fiscal Year and (z) the public benefit charge collected pursuant to Assembly Bill 1890) or all available moneys in the Surplus Revenue Account if less than such amount;

....”

**Section 2.** Section 3.44.040 is hereby added to Chapter 3.44 of Title 3 of the Colton Municipal Code and shall read as follows:

***"3.44.030 – Electric Utility Service Rate Freeze, Exception.***

*(a) For a period of five (5) years from the effective date of this Section, the City Council may not set electric utility service rates for City of Colton customers in an amount that exceeds those rates set by City of Colton Resolution No. R-39-13 (adopted June 18, 2013) (the “Rate Freeze”).*

*(b) The City Council may increase electric utility service rates beyond the maximum amount set forth in subsection (a) only by resolution, duly adopted by a unanimous vote of all members of the City Council, and making written findings that there exists an emergency to the City’s Electric System that requires such an increase in rates.*

*(c) Upon the fifth (5th) anniversary of the effective date of this Section, the Rate Freeze shall have no further force or effect and the City Council may set increased electric utility service rates as otherwise permitted by law. However, it may not “back-bill” or apply rates retroactively to the Rate Freeze period.*

*(d) As a voter-approved ordinance, pursuant to Elections Code Section 9217, this Section 3.44.030 shall apply notwithstanding any ordinance, resolution or other action of the City to the contrary.”*

**Section 3. Effective Date.** This ordinance is subject to a vote of the citizens of Colton and shall take effect, if approved by a majority of the voters voting at such election, ten (10) days following certification of the election results.

**Section 4. Severability.** If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The People of the City of Colton hereby declare that they would have adopted this

1 ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any  
2 one or more section, subsections, sentences, clauses or phrases be declared invalid or  
3 unconstitutional.

4

5 **Section 5. Certification/Summary.** Following certification that the citizens of  
6 Colton have approved this Ordinance, the Mayor shall sign this Ordinance and the City Clerk  
7 shall cause the same to be entered in the book of original ordinances of said City; and shall  
8 cause the same, or a summary thereof, to be published as required by law.

9

10 I hereby certify that the forgoing ordinance was PASSED, APPROVED and  
11 ADOPTED by the People of the City of Colton on the \_\_\_\_ day of \_\_\_\_\_, 2016.

12

13

14

Richard A. DeLaRosa, Mayor

15 ATTEST:

16

17

18 Carolina R. Padilla, City Clerk

19

20

21 APPROVED AS TO FORM:

22

23

24 Carlos Campos, City Attorney  
Best Best & Krieger

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RESOLUTION NO. R-15-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 7, 2016 WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE PURSUANT TO §10403 OF THE ELECTIONS CODE**

**WHEREAS**, on February 22, 2016, the City Council of the City of Colton called a Special Municipal Election to be held on June 7, 2016; for the purpose of submitting to the voters the question relating to the General Fund Transfer/Electric Rate Freeze; and;

**WHEREAS**, it is desirable that the Special Municipal Election be consolidated with the Statewide Primary Election to be held on the same date and that within the City; the precincts, polling places and election officers of the two elections be the same, and that the election department of the County of San Bernardino canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election.

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

**Section 1. Request for Consolidation.** Pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of San Bernardino is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide Primary Election on Tuesday, June 7, 2016, for the purpose of submitting to the voters the question relating to the General Fund Transfer/Electric Rate Freeze.

**Section 2. Measure Language.** A measure is to appear on the ballot as follows:

"To add approximately \$4,800,000 in funding annually for important general city services such as police, fire, paramedics, parks, libraries and senior services while also stabilizing electric utility rates; shall an ordinance be adopted authorizing a transfer up to twenty percent (20%) of annual electric utility gross revenues to the City's General Fund, and establishing a freeze on electric utility rate increases for a period of five (5) years, except in cases of financial emergency?"	Yes
	No

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Section 3. Canvass of Returns.** The County election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

**Section 4. Necessary Steps.** The Board of Supervisors is requested to issue instructions to the County election department to take any and all steps necessary for the holding of the consolidated election.

**Section 5. Costs.** The City of Colton recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

**Section 6. Filing of Resolution.** The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the election department of the County of San Bernardino.

**Section 7. 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** this 22nd day of February, 2016.

\_\_\_\_\_  
Richard A. DeLaRosa, Mayor

ATTEST:

\_\_\_\_\_  
Carolina R. Padilla, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Carlos Campos, City Attorney  
Best Best & Krieger

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RESOLUTION NO. R-16-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A CITY MEASURE TO BE SUBMITTED AT THE JUNE 7, 2016 SPECIAL MUNICIPAL ELECTION**

**WHEREAS**, a Special Municipal Election is to be held in the City of Colton, California on June 7, 2016, at which there will be submitted to the voters the following measure:

"To add approximately \$4,800,000 in funding annually for important general city services such as police, fire, paramedics, parks, libraries and senior services while also stabilizing electric utility rates; shall an ordinance be adopted authorizing a transfer up to twenty percent (20%) of annual electric utility gross revenues to the City's General Fund, and establishing a freeze on electric utility rate increases for a period of five (5) years, except in cases of financial emergency?"	Yes
	No

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

**Section 1. Primary Arguments.** That the City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed below by the City Clerk, after which no arguments for or against the City measure may be submitted to the City Clerk.

The deadline to submit arguments for or against the City Measure pursuant to this Resolution is declared by the City Clerk to be **Thursday, March 24, 2016, at 5:00 p.m.** Each argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and include 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.

**Section 2. Rebuttal Arguments.** Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the primary arguments for and

1 against the City Measure(s) which will be printed and distributed to the voters, the Clerk shall  
2 send copies of the primary argument in favor of the Measure(s) to the authors of the primary  
3 argument against, and copies of the primary argument against to the authors of the primary  
4 argument in favor. The authors or persons designated by them may prepare and submit  
5 rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the  
6 City Clerk not later than **Tuesday, March 29, 2016 at 5:00 p.m.** Rebuttal arguments shall  
7 be printed in the same manner as the primary arguments. Each rebuttal argument shall  
8 immediately follow the primary argument which it seeks to rebut.

9 **Section 3. Prior Resolutions.** That all previous resolutions providing for the filing  
10 of primary and rebuttal arguments related to City measures are repealed.

11 **Section 4. June 7, 2016 Election.** That the provisions of Sections 1 and 2 shall apply  
12 only to the election to be held on June 7, 2016, and shall then be repealed.

13 **Section 5. Certification.** The City Clerk shall certify to the passage and adoption of  
14 this resolution and enter it into the book of original Resolutions.

15 **PASSED, APPROVED AND ADOPTED** this 22nd day of February, 2016.

16 \_\_\_\_\_  
17 Richard A. DeLaRosa, Mayor

18 ATTEST:

19 \_\_\_\_\_  
20 Carolina R. Padilla, City Clerk

21 APPROVED AS TO FORM:

22 \_\_\_\_\_  
23 Carlos Campos, City Attorney  
24 Best Best & Krieger

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RESOLUTION NO. R-16-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A CITY MEASURE TO BE SUBMITTED AT THE JUNE 7, 2016 SPECIAL MUNICIPAL ELECTION**

**WHEREAS**, a Special Municipal Election is to be held in the City of Colton, California on June 7, 2016, at which there will be submitted to the voters the following measure:

"To add approximately \$4,800,000 in funding annually for important general city services such as police, fire, paramedics, parks, libraries and senior services while also stabilizing electric utility rates; shall an ordinance be adopted authorizing a transfer up to twenty percent (20%) of annual electric utility gross revenues to the City's General Fund, and establishing a freeze on electric utility rate increases for a period of five (5) years, except in cases of financial emergency?"	Yes
	No

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

**Section 1. Primary Arguments.** That the City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed below by the City Clerk, after which no arguments for or against the City measure may be submitted to the City Clerk.

The deadline to submit arguments for or against the City Measure pursuant to this Resolution is declared by the City Clerk to be **Thursday, March 24, 2016, at 5:00 p.m.** Each argument shall not exceed 300 words and shall be filed with the City Clerk, signed, and include 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.

**Section 2. Rebuttal Arguments.** Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the primary arguments for and

1 against the City Measure(s) which will be printed and distributed to the voters, the Clerk shall  
2 send copies of the primary argument in favor of the Measure(s) to the authors of the primary  
3 argument against, and copies of the primary argument against to the authors of the primary  
4 argument in favor. The authors or persons designated by them may prepare and submit  
5 rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the  
6 City Clerk not later than **Tuesday, March 29, 2016 at 5:00 p.m.** Rebuttal arguments shall  
7 be printed in the same manner as the primary arguments. Each rebuttal argument shall  
8 immediately follow the primary argument which it seeks to rebut.

9 **Section 3. Prior Resolutions.** That all previous resolutions providing for the filing  
10 of primary and rebuttal arguments related to City measures are repealed.

11 **Section 4. June 7, 2016 Election.** That the provisions of Sections 1 and 2 shall apply  
12 only to the election to be held on June 7, 2016, and shall then be repealed.

13 **Section 5. Certification.** The City Clerk shall certify to the passage and adoption of  
14 this resolution and enter it into the book of original Resolutions.

15 **PASSED, APPROVED AND ADOPTED** this 22nd day of February, 2016.

16 \_\_\_\_\_  
17 Richard A. DeLaRosa, Mayor

18 ATTEST:

19 \_\_\_\_\_  
20 Carolina R. Padilla, City Clerk

21 APPROVED AS TO FORM:

22 \_\_\_\_\_  
23 Carlos Campos, City Attorney  
24 Best Best & Krieger  
25  
26  
27  
28