

**RESOLUTION NO. 24-76**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
SUBMITTING AN INITIATIVE TITLED “CITIZENS’ INITIATIVE ADDING A  
SPECIAL TRANSACTION AND USE TAX OF 0.5% IN THE CITY OF BENICIA TO  
BE USED TO REPAIR AND IMPROVE STREETS AND ROADS IN THE CITY” TO  
VOTERS**

**WHEREAS**, on August 3, 2023, a Notice of Intent to Circulate a Petition titled “Citizens’ Initiative Adding a Special Transaction and Use Tax of 0.5% in the City of Benicia to be Used to Repair and Improve Streets and Roads in the City” was filed with the City’s Elections Official with a request that a title and summary be prepared for the measure; and

**WHEREAS**, the City Attorney provided a title and summary for the proposed Initiative to the proponents; and

**WHEREAS**, the Petition regarding the Initiative was filed with the Election’s Official bearing 2,784 unverified signatures; and

**WHEREAS**, to qualify for the ballot, proponents were required to obtain valid signatures on the Petition from not less than ten percent (10%) of the registered voters of the City; and

**WHEREAS**, the County Elections Division has examined the records of voter registration and has certified that the Petition contains more than the requisite number of valid signatures to qualify for election; and

**WHEREAS**, in accordance with Elections Code section 9215 on March 19, 2024, the City Council of the City of Benicia voted to submit the Initiative to the voters at the general election to be held on November 5, 2024; and

**WHEREAS**, the City Council desires to consolidate the general municipal election for the Initiative described herein with the Statewide General Election to be held on November 5, 2024.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF BENICIA:**

**Section 1. Recitals.** The City Council hereby finds and determines that the foregoing recitals are true and correct and are hereby fully incorporated by this reference.

**Section 2. Election.** The City Council of the City of Benicia hereby orders the proposed Citizens’ Initiative Adding a Special Transaction and Use Tax of 0.5% in the City of Benicia to be Used to Repair and Improve Streets and Roads in the City be submitted to the voters at the General Municipal Election to be held on Tuesday, November 5, 2024 and requests the Solano County Elections Department to conduct the election and consolidate it with the statewide election to be held on November 5, 2024:

**CITIZENS' INITIATIVE ADDING A SPECIAL TRANSACTION AND USE TAX  
("SALES TAX")**

**Measure F – Citizens' initiative adding a special transaction and use tax of 0.5% in the City of Benicia to be used to repair and improve streets and roads in the City.**

Shall the citizens of Benicia enact a measure raising local funds for the specific purpose of repairing, maintaining, and improving Benicia's streets, roads, potholes and related sidewalks and storm drains, never to be used for other municipal services, by adopting a ½ cent sales tax, providing approximately \$4,000,000 annually, with a citizen oversight committee and annual audits, until ended by voters?	YES
	NO

**Section 3. Publication of Measure.** The City Clerk is directed to publish a synopsis of the measure at least one time not later than one week before the election.

**Section 4. Approval.** The vote requirement for this measure to pass shall be a majority of those casting ballots on the measure (50% plus 1).

**Section 5. Filing with County.** The City Clerk shall file a certified copy of this Resolution with the Solano County Elections Department.

**Section 6. Analysis and Argument.** Pursuant to Elections Code Section 9280, the City Attorney shall prepare an impartial analysis of the measure that shall not exceed 500 words no later than 12:00 p.m. on August 14, 2024. Pursuant to Elections Code Section 9282, the deadline to submit to the City Clerk primary arguments which shall not exceed 300 words for and against the ballot measure is 12:00 p.m. on August 16, 2024. Pursuant to Elections Code Section 9285, the deadline to submit to the City Clerk rebuttal arguments which shall not exceed 250 words is 12:00 p.m. on August 20, 2024. Pursuant to Elections Code Section 9287, if more than one argument is submitted against the measure, the City Clerk shall select the argument to be included with the ballot materials.

**Section 7. Implementation.** The City Clerk and City Manager are authorized to take all actions as necessary to effectuate the purposes of this resolution and the election. The City Manager is authorized to execute all documents and to perform all other necessary City acts to enter into a service agreement for the provision of election services with the Solano County Registrar of Voters. The City Clerk and City Attorney are authorized to make any typographical, clerical, and non-substantive corrections to this resolution as may be deemed necessary by the Solano County Elections Department.

**Section 8. Declaration.** The City Council shall meet to declare the results of the election called for by this Resolution at their regular meeting following certification of election results.

**Section 9. Effective Date.** This Resolution shall take immediate effect upon its adoption by the City Council and the City Clerk shall certify the vote adopting the resolution or at a special meeting called for that purpose.

**Section 10. Environmental Compliance.** The proposed Initiative is exempt from review under the California Environmental Quality Act (CEQA) because it is a ministerial action - see *DeVita v County of Napa* (1995) 9 C4th 763, 794; *Stein v City of Santa Monica* (1980) 110 CA3d 458. In addition, the proposed measure involves the creation of a government funding mechanism which does not involve any commitment to any specific project and thus is not a project subject to requirements of CEQA as provided by Guidelines Section 15378 (b)(4), and further pursuant to Guidelines Section 15061(b)(3) which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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On motion of Council Member Birdseye, seconded by Council Member Scott, the above Resolution was adopted by the City Council of the City of Benicia at a special meeting of said Council held on 6<sup>th</sup> day of August, 2024 by the following vote:

**Ayes:** Council Members Birdseye, Campbell, Macenski, Scott and Mayor Young

**Noes:** None

**Absent:** None

**Abstain:** None

  
\_\_\_\_\_  
Steve Young, Mayor

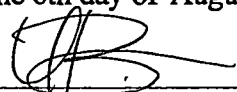
**Attest:**

  
\_\_\_\_\_  
Ashley Bussart, Deputy City Clerk

8/7/24  
\_\_\_\_\_  
Date



I, Ashley Bussart, Deputy City Clerk of the City of Benicia, County of Solano, State of California, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Benicia at a special meeting held the 6th day of August 2024.

  
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Ashley Bussart, Deputy City Clerk