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AUG 09 2016

**RESOLUTION NO. 16-26**

COUNTY CLERK  
REGISTRAR OF VOTERS  
ADMINISTRATION

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH ORDERING A MEASURE ON THE ELECTION BALLOT, REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION, AND REQUESTING CONSOLIDATION OF THE ELECTION**

2016 AUG 9 PM 3:49:57

**WHEREAS**, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

**WHEREAS**, the resolution of the governing body of the city or district shall specify the services requested; and

**WHEREAS**, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

**WHEREAS**, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

**WHEREAS**, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

**WHEREAS**, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

**WHEREAS**, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

**WHEREAS**, various district, county, state and other political subdivision elections may be or have been called to be held on November 8, 2016; and

**WHEREAS**, the City desires to adopt Ordinance No. 16-03 to impose a 5% utility user's tax on wireless telecommunication services, subject to a simple majority (50% plus 1) voter approval, as required by Cal. Const., art. XIII, § 2(b); and

**WHEREAS**, by Resolution 16-26, the City Council declared by unanimous vote that a fiscal emergency exists in the City of Firebaugh pursuant to Article XIII C § 2(b) of the California Constitution which requires an election to approve a tax to be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body; and

**WHEREAS**, the City Attorney shall prepare an impartial analysis of the Measure.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the governing body of the City of Firebaugh hereby orders a traditional General election be called and consolidated with any and all elections also called to be held on November 3, 2016 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the County of Fresno, requests the Board of Supervisors of the County of Fresno to order such consolidation under Elections Code Section 10401 and 10403.

**BE IT FURTHER RESOLVED AND ORDERED** that said governing body hereby requests the Board of Supervisors to permit the Fresno County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services, and

**BE IT RESOLVED AND ORDERED** that the Fresno County Elections Department shall conduct the election for the following MEASURE, designated as Measure “\_\_\_\_\_”, to be voted on at the November 8, 2016 general election:

Measure to be voted on:

Measure “\_\_\_\_\_” Ballot Question:

“Shall an ordinance be adopted to amend the City's Utility Users Tax in order to impose a 5% utility user’s tax on wireless telecommunication technologies such as wireless and voice over internet services?

Yes [  ]                      No [  ]”

**BE IT FURTHER RESOLVED AND ORDERED** that the Fresno County Elections Department is requested to print the attached measure text exactly as filed or indicated on the filed document in the Voter's Information Pamphlet section of the Sample Ballot for the November 8, 2016 election. Cost of printing and distribution of the measure text will be paid for by the City of Firebaugh.

The foregoing resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 18th day of July, 2016, by the following vote:

AYES:	Council Members	Knight, Jenkins, Perez, Valdez
NOES:	Council Members	
ABSTAIN:	Council Members	
ABSENT:	Council Members	Sablan

APPROVED:

ATTEST:

\_\_\_\_\_  
Freddy Valdez  
Mayor

\_\_\_\_\_  
Rita Lozano  
Deputy City Clerk