

RESOLUTION NO. \_\_\_-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO,  
CALIFORNIA, CALLING A SPECIAL TAX ELECTION  
TO BE HELD ON TUESDAY NOVEMBER 5, 2019

WHEREAS, the City of Cupertino was formed in 1955 to provide municipal services to its residents; and

WHEREAS, in 1992 the voters of the City approved an annual business license tax for the privilege of conducting business in the City based on square footage of commercial space, which currently generates \$800,000 of General Fund revenue annually; and

WHEREAS, the residents of Cupertino identified traffic as the biggest problem facing the City in the 2017 Community Survey and, in a subsequent survey, identified transit improvements as their highest funding priority should voters approve a business license tax increase; and

WHEREAS, the City Council desires to hold a special election on November 5, 2019 (the "Election").

WHEREAS, the City Council desires to submit to the voters at the Election an ordinance amending the business license tax rates (the "Ordinance").

WHEREAS, the ordinance imposes a special tax ("Tax"), the revenues from which are to be used to fund transportation infrastructure and services.

**BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CUPERTINO, CALIFORNIA, AS FOLLOWS:**

SECTION 1. Pursuant to Section 12001 of the California Elections Code, there is hereby called a special election to be held on Tuesday, November 5, 2019 in the City of Cupertino to submit to voters a special business license tax to fund transportation infrastructure and services.

SECTION 2. The City Council hereby orders the following question to be submitted to the voters at the special municipal election called for Tuesday, November 5, 2019:

Shall the Ordinance ____ to fund transportation infrastructure and services in Cupertino by imposing a yearly business license tax of \$150 to \$500 plus up to \$425 per employee for businesses with more than 99 employees, and lower, flat taxes for specified business, raising about \$10,000,000 yearly, effective until the voters amend or appeal it, with all funds staying local and all expenditures subject to an annual audit, be adopted?	<b>YES</b>	
	<b>NO</b>	

This question requires the approval of two-thirds of those casting votes in the Election and the referenced Ordinance is attached hereto as Exhibit 1 and incorporated in this Resolution by reference.

SECTION 3. The City Attorney of the City of Cupertino is hereby authorized and directed to prepare an impartial analysis of the measure pursuant to Elections Code section 9280 by such deadline as the City Clerk may establish.

SECTION 4. The City Council hereby declares its intent to consolidate the Election with the Statewide Election to be held on November 5, 2019, and requests that the Santa Clara County Board of Supervisors add this Ordinance to that ballot as set forth herein. The City Council acknowledges that the consolidated election shall be held and conducted in the manner prescribed in Elections Code sections 10400 et seq.

SECTION 5. The City Clerk is hereby authorized and directed to use the services of the Santa Clara County Clerk to conduct the Election. The City of Cupertino agrees to reimburse the County of Santa Clara for the City's share of the County's costs of the Election.

SECTION 6. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot, to cause it to be printed, and to procure and furnish (or cause to be procured or furnished) any and all official ballot notices, printed materials, and all other supplies that may be necessary to prepare for and conduct the Election. A copy of the Ordinance shall be made available to any voter upon request.

SECTION 7. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Santa Clara County and the Registrar of Voters of Santa Clara County immediately upon its adoption (or, no later than 88 days prior to November 5, 2019).

SECTION 8. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City of Cupertino's cost of placing the Measure on the election ballot and to execute any necessary agreements with the County of Santa Clara for that election.

SECTION 9. In all particulars not recited in this Resolution, the Election shall be held and conducted as provided by applicable law.

SECTION 10. Notice of the time and place of holding the Election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 9. Certification. The City Clerk shall certify to the adoption of this resolution and shall preserve it in the records of the District as required by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this \_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

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Vote

Members of the City Council

AYES:

NOTES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Grace Schmidt, City Clerk

\_\_\_\_\_  
Darcy Paul, Mayor  
City of Cupertino