

ORDINANCE NO. 22-2214

AN ORDINANCE OF THE PEOPLE OF THE CITY OF CARSON AMENDING CHAPTER 11 OF ARTICLE VI OF THE CARSON MUNICIPAL CODE, THEREBY CONTINUING THE CITY'S 2% UTILITY USERS' TAX ON GAS AND ELECTRIC UTILITIES, WHICH IS A GENERAL TAX, UNTIL IT IS ENDED BY VOTERS

WHEREAS, the City of Carson ("City") currently imposes a 2% Utility Users Tax on gas and electric utilities within the City of Carson as provided in Chapter 11 (UTILITY USERS TAX) of Article 6 (TAXES AND LICENSES) of the Carson Municipal Code, which is collected from the service user by the person selling or transporting the gas or service supplier/nonutility supplier as applicable and as more particularly described in Chapter 11 (UTILITY USERS TAX) of Article 6 (TAXES AND LICENSES) of the Carson Municipal Code ("UUT"); and

WHEREAS, the UUT is a general tax where generated revenues are deposited in the City's General Fund; and

WHEREAS, the UUT collects approximately \$8,000,000 in revenue per year and is essential in order to fund general City services; and

WHEREAS, the UUT is scheduled to sunset on July 1, 2023; and

WHEREAS, Article XIIC, Section 2, of the California Constitution provides that any general tax must be submitted to the electorate and approved by a majority vote of the electorate; and

WHEREAS, on June 21, 2022, the City Council called an election to submit to the voters at a General Municipal Election on November 8, 2022, a ballot measure to consider adopting this proposed Ordinance to continue the UUT until it is ended by the City's voters; and

WHEREAS, this Ordinance continues the UUT until it is ended by the City's voters; and

WHEREAS, approving this proposed Ordinance requires approval of the majority of voters at either a general or special municipal election; and

WHEREAS, on November 8, 2022, the voters of the City of Carson approved by a majority the continuation of the UUT until it is ended by the City's voters; and

NOW THEREFORE, ON THE BASIS OF THE FORGOING, THE PEOPLE OF THE CITY OF CARSON, AT THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Utility Users Tax Continuation. Section 61118 of Chapter 11 of Article VI of the Carson Municipal Code is hereby repealed and replaced as follows:

"Section 61118 – Operative Period

The utility users tax described in this Chapter shall be effective until it is ended by the City's voters.”

Section 2. Council Authority to Amend. This is a City Council-sponsored initiative Ordinance which otherwise would only be subject to amendment by the voters of the City. However, pursuant to Elections Code Section 9217, the City Council shall have and retain the right and authority to amend the Ordinance to further its purposes and intent (including but not limited to amendment for more efficient administration as determined by the City Council) in any manner that does not increase a tax rate, or otherwise constitute a tax increase for which voter approval is required by Article XIII C of the California Constitution.

Section 3. CEQA Exemption. 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 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Carson hereby declared that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

Section 5. Appropriations Limit. Pursuant to Article XIIB of the California Constitution, the appropriations limit for the City of Carson is increased to the maximum extent over the maximum period of time allowed under the law consistent with the revenues generated by this tax.

Section 6. Adoption; Effective Date. If a majority of the voters of the City of Carson voting at the General Municipal Election of November 8, 2022, vote in favor of this Ordinance, then this Ordinance shall become a valid and binding ordinance of the City of Carson, and shall be considered as adopted upon the date that the vote is declared by the City Council of the City of Carson, and this Ordinance shall go into effect ten (10) days after that date, pursuant to Election Code section 9217.

Section 7. Passage and Execution. The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the approval thereof and cause same to be published or posted pursuant to law.

PASSED AND ADOPTED by the voters of the City of Carson at an election held on November 8, 2022.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk