



(ACT) – ACTION NEEDED
(INF) – INFORMATION ONLY
(DIS) – DISCRETIONARY

A G E N D A
SPECIAL MEETING OF THE CITY COUNCIL
CITY OF NEEDLES, CALIFORNIA
THURSDAY, AUGUST 11, 2016 – 5:00 P.M.
CITY COUNCIL CHAMBERS
1111 BAILEY AVENUE, NEEDLES

Councilmember Richardson will be participating in this meeting via teleconference call from 14485 Seneca Road, Unit 183, Victorville, CA 92392. The public shall be given an opportunity to address the legislative body directly from this teleconference location.

CALL TO ORDER
ROLL CALL

As a courtesy to those in attendance, we would ask that cell phones and pagers be turned off or set in their silent mode. Thank you.

PUBLIC APPEARANCE – Persons wishing to address the City Council on subjects other than those scheduled are requested to do so at this time. When addressing the Council, please come to the podium and give your name and address for the record. In order to conduct a timely meeting, a three minute time limit per person has been established by Municipal Code Section 2-18. Amendments to the California Government Code Section 54950 prohibits the City Council from taking action on a specific item until it appears on the agenda.

- 1) Discussion and possible action regarding two ordinances and two charter amendment petitions being circulated and the upcoming November 8, 2016 General Municipal Election:
 - a) Initiative Measure prohibiting and dissolving annexation to a County Fire District and mandating the maintenance of a city-staffed Fire Department
 - b) Initiative measure prohibiting construction at the corner of Broadway & Needles Highway and creating Padre Francisco Garces Statue Fund
 - c) Initiative measure creating Historic Preservation Commission
 - d) Initiative measure to amend Section 1102 of the City Charter regarding Tax Limits

Refer to staff report attached regarding City Council options. (DIS)

Pursuant to California Government Code §54956, this special meeting is being called by Mayor Edward T. Paget, M.D.

Mayor Edward T. Paget, M.D.

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Posted: August 10, 2016

SB 343-DOCUMENTS RELATED TO OPEN SESSION AGENDAS -- Any public record, relating to an open session agenda item, that is distributed within 24 hours prior to the meeting is available for public inspection at the City Clerk's Office, 817 Third Street, Needles, CA 92363.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 326-2113 ext 345. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-104 ADA Title II).



City of Needles, California Staff Report

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CITY COUNCIL NPUA SARDA Regular Special

Meeting Date: August 11, 2016

Title: November 8, 2016 ballot measures

Background: At the City Council meeting held on August 9, 2016, the Mayor called for a special meeting to be held at 5:00 p.m. on Thursday, August 11, 2016, to discuss possible measures to be placed on the November 8, 2016 ballot.

Staff is informed that the following petitions are being/have been circulated in the City. The proponents have requested that the City Council adopt the proposed ordinances and charter amendments at their next regular meeting or adopt a resolution adding them to the November 8, 2016 general election ballot. The text of the proposed four (4) initiatives ((1) and (2) are proposed ordinances and (3) and (4) are proposed charter amendments) as follows:

- 1) **INITIATIVE MEASURE PROHIBITING AND DISSOLVING ANNEXATION TO A COUNTY FIRE DISTRICT AND MANDATING THE MAINTENANCE OF A CITY-STAFFED FIRE DEPARTMENT.**

The People of the City of Needles do ordain as follows:

A) Neither the City of Needles ("City") nor its council nor any other Legislative or Administrative body of the City, nor its Officers, altogether inclusively referred to as "City," shall take any action to annex the City's territory into the San Bernardino County ("County") Fire Protection District ("District") nor shall it seek or agree to County reorganization to enlarge the District's sphere of influence into the City's territory; nor shall it neglect the duty to operate a functioning City Fire Department ("Department") providing City fire protection services compliant with the ISO standards current at the time of passing of this ordinance. B) Any and all County Fire Protection District "Service Zones" associated with the territory of the City including "Service Zone FP-5 Needles (City of Needles) in force at the time of the passing of this ordinance shall be dissolved immediately upon the passage of this ordinance along with any agreement to allow for the increase of the District's sphere of influence into the City's territory. C) Any action taken by the City resulting in the transfer or lease of the City of Needles Fire Department property, and equipment including the fire station (house) and truck to the county or district as a part of any reorganization and, or, annexation of City territory into said County's District is strictly prohibited. D) As a part of the dissolution of "Service Zone FP-5 Needles" as required by this resolution, it shall be the responsibility of the City Manager to negotiate with the County and District for the return of the fire truck and equipment owned by the City/Department which was transferred to the County/District as an element of the formation of said service zone. E) The City's Fire Department and its fire station shall be managed (1) in conformance with standards that would preserve current ISO insurance ratings, and (2) by a credentialed California certified fire protection professional who shall act as Fire chief and shall be an employee of the City as provided in the City's charter. F) The Fire Chief shall cause the fire station to be staffed according to current ISO standards either by direct hire, or on contract, fire fighters who will serve in shifts and will, at all times on their shift be available for immediate



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deployment for service. All Fire Department employees directly hired by the City shall be required to have a California Driver's license. (G) Paid call fire fighters shall also be deployed on contract as necessary to assist in fighting fires within the territory of the City. (H) It shall be the duty of the City's Fire Chief to cause a map to be made and updated to show the locations of all fire hydrants within the City of Needles and to maintain them in functioning operating condition. (I) Immediately following the dissolution of the Fire Service Zone FP-5 as it pertains to the City and the dissolution of the associated county district service zone flat tax (currently \$148.24), there shall be a one-time tax for a period not to exceed two years, upon each parcel within the territory of Needles at a rate of 0.15% of assessed value but not to exceed \$120.00 per parcel per annum to be used by and for the City's Fire Department for start up expenses, including for the employment of staff, for the purchase of necessary equipment for the City's Fire Department and for education and training of the Department's professionals as to fire, disaster, terrorism response within the territory of the City of Needles.

2) **INITIATIVE MEASURE PROHIBITING CONSTRUCTION AT THE CORNER OF BROADWAY & NEEDLES HIGHWAY AND CREATING PADRE FRANCISCO GARCES STATUE FUND.**

The People of the City of Needles do ordain a city ordinance as follows:

a) The destruction of the historic curve and median at the corner of Broadway and Needles Highway is strictly prohibited; b) there shall be fund established for the purpose of securing a bronze statute representing the friendship and bond between the native Mojave people and EuroAmerican settlers which statue will depict Padre Francisco Garces being shown the way across the desert by a Mojave "trail runner" or warrior. The measure shall be required as a part of the I-40 Interconnect project and shall be engineered into the design and funded as a part of that project. c) Parts "a" and "b" are severable and part "a" of this ordinance is to be enforced whether or not part "b" is ever completed.

3) **INITIATIVE MEASURE TO AMEND SECTION 1102 OF THE CITY CHARTER REGARDING TAX LIMITS.**

The People of the City of Needles do ordain a city charter amendment as follows:

Sec. 1102. Tax limits. (d) The council shall be prohibited from taking action to reorganize, merge or annex any and all territory within its limits into any district, special district, service zone, or other legislative construct where a fee or tax already exists or where there are provisions for or the ability to, and, or, intent to tax or charge fees for any purpose, without a consenting vote of 2/3 of the electors voting on a proposition at any election at which the question of such reorganization is submitted to the voters.

4) **INITIATIVE MEASURE CREATING HISTORIC PRESERVATION COMMISSION.**

The People of the City of Needles do ordain a city charter amendment as follows:

There shall be a historic preservation commission consisting of five members. The Historic Preservation Commission shall have the power and duty to: (a) Keep a Register of Historic Places within the territory of the City of Needles which listing will be minimally established as historic and culturally significant properties previously listed as



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significant on international, national, statewide, county or other local registers AND the "Needles Pioneer Cemetery" and the "Needles Historic District" which shall consist of the corridor and adjacent properties (including those connected by historic underground passageways) along Route 66 and National Trails Highway located in the vicinity of and between the East Broadway Exit and the West Broadway exit of Interstate 40. (b) Recommend to the council, after a public hearing thereon, to include or repeal (except for those minimally required by this section) any property or district within the territory of the City of Needles for inclusion on the Needles Register of Historic Places. (c) Review the qualifications of any cultural resource consultants and cultural resource/historic analysis reports and make recommendations and advise the council with regard to all matters concerning the preservation, protection, interpretation and disposition of historic/cultural/archaeological properties within the territory of the City of Needles. (d) Affirm or deny recommendations made by the Needles Cemetery Board with regard to the Needles Pioneer Cemetery. (e) Perform such other duties and functions not inconsistent with this Charter as may be prescribed by ordinance.

Discussion: Staff offers no opinion regarding whether or not the proposed measures set forth above should be approved by the City Council or the people of the City of Needles. All that is before the City Council for consideration at this time is whether or not the proposed measures should be placed on the November 8, 2016 general election ballot. Staff encourages City Council to follow the process for initiative petitions set forth in Elections Code Sections 9200 et seq. In California, the initiative, referendum and recall laws were enacted in 1911. Since that time, a body of law has developed that methodically guides the process.

The petitions have not yet been filed by the proponents. Therefore, the City's elections official has not had an opportunity to examine the petitions as set forth in Elections Code 9211. In addition, the City's departments have not had an opportunity to consider such issues as the fiscal impact; consistency with the general and specific plans, including the housing element; consistency between planning and zoning; and the limitations on city actions; etc. If the Council requests such studies, it is customary for these studies to take place once the petitions have been submitted to the City's election official and qualified.

If Council desires to place any or all of the proposed ordinances and charter amendments set forth above on the November general election ballot, City Council would have to adopt resolution(s) to be submitted to the San Bernardino County Registrar of Voters no later than Friday, August 12, 2016. A certified copy of the resolution(s) must be sent to the Board of Supervisors' County Clerk.

Please note that placing a measure on the ballot without the city attorney review and/or legal opinions may result in attorney fees should the voters adopt a measure that is legally challenged or unlawful.

The City Attorney's office has not been directed by Council to review and opine on the legal impact of the proposed initiative ballot measures. Under the Elections Code, such a review can be requested after the petitions are qualified. Given that the petitions have not yet qualified, it is premature to request the City Attorney to provide a legal analysis relating to the proposed ballot measures.

Please note - Calling a special election for one as opposed to four measures would not significantly affect the cost of a special election.



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Options:

1. Wait for the petitions to be filed with the City's elections official (City Clerk) and follow the Elections Code. Once the petitions have been reviewed by the City Clerk for accuracy; she has 30 days (weekend, holidays excluded) to verify the signatures. The proponents will be notified as to the sufficiency or insufficiency of the petitions. If sufficient, the City Clerk will certify a sufficient petition to the City Council at the next regular meeting. The legislative body may refer the proposed initiative measure to any City agency for a report on its effect on municipal operations. This report shall be presented to the City Council within the time prescribed by the City Council but no later than thirty (30) days after the City Clerk certifies the sufficiency of the petitions. If the petitions contain signatures representing 15% or more of the registered voters and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the City Council shall do one of the following:
 - a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented.
 - b) Immediately order a special election pursuant to subdivision (a) Section 1405 at which the ordinance without alteration shall be submitted to a vote of the voters. The cost for a special election is unknown at this time.
 - c) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petitions is presented. When the report is presented to the city council, the council shall either adopt the ordinance within 10 days or order a special election.
2. The City Council directs the City Clerk to prepare ordinance(s) without alteration to be approved for introduction at their next regular meeting of August 23 without legal review or a legal opinion.

The charter amendments must be submitted to the voters. The City's elections official must certify a sufficient petition to the City Council at the next regular meeting. If the petition is signed by not less than 15 percent of the registered voters, the City Charter proposal shall be submitted to the voters at either the next regularly scheduled general election or at any established statewide general or statewide primary election provided that there are at least 88 days before the election.

3. The City Council adopts resolution(s) adding the ordinances(s) to the November 8 election without legal review or legal opinions via resolution attached.
4. The City Council adopts resolution(s) to place both charter amendments on the ballot as charter amendments are required to be adopted by the people via resolution attached.

Critical Timeline: August 12, 2016 to add measures to the November 8 ballot

Fiscal Impact: There will be a cost associated with adding measures to the November ballot, however a special election would likely be costlier.



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Recommendation: Discretionary

Submitted by: City Clerk

City Management Review: _____ Date: _____

Approved:

Not Approved:

Tabled:

Other:

Agenda Item: _____

RESOLUTION NO.2016-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THE CITY OF NEEDLES, CALIFORNIA, RESCINDING RESOLUTION NO. 2016-35 IN ITS ENTIRETY AND CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE CHARTER AND FOR THE SUBMISSION TO THE VOTERS QUESTIONS RELATING TO ADOPTION OF TWO (2) ORDINANCES AND TWO (2) CHARTER AMENDMENTS

WHEREAS, under the provisions of the Charter, a General Municipal Election shall be held on Tuesday, November 8, 2016, for the election of Municipal Officers; and

WHEREAS, the City Council also desires to submit to the voters at the election questions relating to adoption of two ordinances and two Charter amendments.

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

SECTION 1. Resolution No. 2016-35 is hereby rescinded in its entirety.

SECTION 2. That pursuant to the requirements of the Charter, there is called and ordered to be held in the City of Needles, California, on Tuesday, November 8, 2016, a General Municipal Election for the purpose of electing a Mayor for the full term of two (2) years and three (3) Members of the City Council for the full term of four years.

SECTION 3. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following questions:

| | |
|--|------------|
| Shall an ordinance be adopted to prohibit the annexation of the City of Needles ("City") to the San Bernardino County Fire Protection District ("District"), to prohibit the City from enlarging the District's sphere of influence into the City's territory, and to require the City to operate a fire department. The ordinance proposes to dissolve the District Service Zone flat tax of \$148.24 and to impose a one-time tax, for a period not to exceed two (2) years, upon each parcel within the City, at a rate of 0.15% of assessed value, not to exceed \$120.00 per parcel per year? | YES |
| | NO |

| | |
|---|------------|
| Shall an ordinance be adopted to prohibit destruction of the curve and median at the corner of Broadway & Needles Highway in the City of Needles and to create the Padre Francisco Garces statue? | YES |
| | NO |

| | |
|--|-----|
| <p>Shall the Charter of the City of Needles be amended to create a five (5) member Historic Preservation Commission to, among other things, keep a Register of Historic Places within the City of Needles, make recommendations regarding properties for inclusion in the Register of Historic Places, review the qualifications of any cultural resource consultants and cultural resource/historic analysis reports, and affirm or deny recommendations made by the Needles Cemetery Board regarding the Needles Pioneer Cemetery?</p> | YES |
| | NO |

| | |
|--|-----|
| <p>Shall Section 1102 of the Charter of the City of Needles be amended to prohibit the City from taking action to reorganize, merge or annex any and all territory within City limits into any district, special district, service zone or other legislative construct where a fee or tax already exists, without a vote of 2/3 of the electors?</p> | YES |
| | NO |

SECTION 4. That the proposed complete text of the measures submitted to the voters is attached as Exhibit A.

SECTION 5. That the vote requirement for the measures to pass is a majority (50%+1) of the votes cast.

SECTION 6. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 7. That the City Clerk is authorized, instructed and directed to coordinate with the County of San Bernardino Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 8. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 9. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 10. That notice of the time and place of holding the election is 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 11. That in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the County of San Bernardino Registrar-Recorder/County Clerk, the City Council, in accordance with Election Code § 15651(a), shall set a date and time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

SECTION 12. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 13. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

PASSED, APPROVED AND ADOPTED at a special meeting of the City Council of the City of Needles, California, held on the 11th day of August, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

(SEAL)

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

1)

TEXT OF PROPOSED INITIATIVE

The People of the City of Needles do ordain as follows:

A) Neither the City of Needles ("City") nor its council nor any other Legislative or Administrative body of the City, nor its Officers, altogether inclusively referred to as "City," shall take any action to annex the City's territory into the San Bernardino County ("County") Fire Protection District ("District") nor shall it seek or agree to County reorganization to enlarge the District's sphere of influence into the City's territory; nor shall it neglect the duty to operate a functioning City Fire Department ("Department") providing City fire protection services compliant with the ISO standards current at the time of passing of this ordinance. B) Any and all County Fire Protection District "Service Zones" associated with the territory of the City including "Service Zone FP-5 Needles (City of Needles) in force at the time of the passing of this ordinance shall be dissolved immediately upon the passage of this ordinance along with any agreement to allow for the increase of the District's sphere of influence into the City's territory. C) Any action taken by the City resulting in the transfer or lease of the City of Needles Fire Department property, and equipment including the fire station (house) and truck to the county or district as a part of any reorganization and, or, annexation of City territory into said County's District is strictly prohibited. D) As a part of the dissolution of "Service Zone FP-5 Needles" as required by this resolution, it shall be the responsibility of the City Manager to negotiate with the County and District for the return of the fire truck and equipment owned by the City/Department which was transferred to the County/District as an element of the formation of said service zone. E) The City's Fire Department and its fire station shall be

managed (1) in conformance with standards that would preserve current ISO insurance ratings, and (2) by a credentialed California certified fire protection professional who shall act as Fire chief and shall be an employee of the City as provided in the City's charter. F) The Fire Chief shall cause the fire station to be staffed according to current ISO standards either by direct hire, or on contract, fire fighters who will serve in shifts and will, at all times on their shift be available for immediate deployment for service. All Fire Department employees directly hired by the City shall be required to have a California Driver's license. (G) Paid call fire fighters shall also be deployed on contract as necessary to assist in fighting fires within the territory of the City. (H) It shall be the duty of the City's Fire Chief to cause a map to be made and updated to show the locations of all fire hydrants within the City of Needles and to maintain them in functioning operating condition. (I) Immediately following the dissolution of the Fire Service Zone FP-5 as it pertains to the City and the dissolution of the associated county district service zone flat tax (currently \$148.24), there shall be a one-time tax for a period not to exceed two years, upon each parcel within the territory of Needles at a rate of 0.15% of assessed value but not to exceed \$120.00 per parcel per annum to be used by and for the City's Fire Department for start up expenses, including for the employment of staff, for the purchase of necessary equipment for the City's Fire Department and for education and training of the Department's professionals as to fire, disaster, terrorism response within the territory of the City of Needles.

2) TEXT OF PROPOSED INITIATIVE.

The People of the City of Needles do ordain a city ordinance as follows:

a) The destruction of the historic curve and median at the corner of Broadway and Needles Highway is strictly prohibited; b) there shall be fund established for the purpose of securing a bronze statute representing the friendship and bond between the native Mojave people and EuroAmerican settlers which statue will depict Padre Francisco Garces being shown the way across the desert by a Mojave "trail runner" or warrior. The measure shall be required as a part of the I-40 Interconnect project and shall be engineered into the design and funded as a part of that project. c) Parts "a" and "b" are severable and part "a" of this ordinance is to be enforced whether or not part "b" is ever completed.

In addition there are two charter amendments which require that they go to the vote of the people and the proponents have also asked that they be placed on the November 8 ballot.

3) TEXT OF PROPOSED INITIATIVE

The People of the City of Needles do ordain a city charter amendment as follows:

Sec. 1102. Tax limits.

(d) The council shall be prohibited from taking action to reorganize, merge or annex any and all territory within its limits into any district, special district, service zone, or other legislative construct where a fee or tax already exists or where there are provisions for or the ability to, and, or, intent to tax or charge fees for any purpose, without a consenting vote of 2/3 of the electors voting on a proposition at any election at which the question of such reorganization is submitted to the voters.

4) TEXT OF PROPOSED INITIATIVE.

The People of the City of Needles do ordain a city charter amendment as follows:

There shall be a historic preservation commission consisting of five members. The Historic Preservation Commission shall have the power and duty to: (a) Keep a Register of Historic Places within the territory of the City of Needles which listing will be minimally established as historic and culturally significant properties previously listed as significant on international, national, statewide, county or other local registers AND the "Needles Pioneer Cemetery" and the "Needles Historic District" which shall consist of the corridor and adjacent properties (including those connected by historic underground passageways) along Route 66 and National Trails Highway located in the vicinity of and between the East Broadway Exit and the West Broadway exit of Interstate 40. (b) Recommend to the council, after a public hearing thereon, to include or repeal (except for those minimally required by this section) any property or district within the territory of the City of Needles for inclusion on the Needles Register of Historic Places. (c) Review the qualifications of any cultural resource consultants and cultural resource/historic analysis reports and make recommendations and advise the council with regard to all matters concerning the preservation, protection, interpretation and disposition of historic/cultural/archaeological properties within the territory of the City of Needles. (d) Affirm or deny recommendations made by the Needles Cemetery

Board with regard to the Needles Pioneer Cemetery. (e) Perform such other duties and functions not inconsistent with this Charter as may be prescribed by ordinance.

RESOLUTION NO. 2016-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, RESCINDING RESOLUTION NO. 2016-36 IN ITS ENTIRETY AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE.

WHEREAS, the City Council of the City of Needles called a General Municipal Election to be held on Tuesday, November 8, 2016, for the purpose of the election of a Mayor and three Members of the City Council; and;

WHEREAS, the City Council is submitting to the voters the questions relating to adoption of two ordinances and two Charter amendments; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General 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 county election department of the County of San Bernardino canvass the returns of the General 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 NEEDLES, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Resolution No. 2016-36 is hereby rescinded in its entirety.

SECTION 2. That 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 General Municipal Election with the Statewide General Election on Tuesday, November 8, 2016, for the purpose of the election of a Mayor and three Members of the City Council.

SECTION 3. That measures to appear on the ballot are as follows:

| | |
|--|------------|
| Shall an ordinance be adopted to prohibit the annexation of the City of Needles ("City") to the San Bernardino County Fire Protection District ("District"), to prohibit the City from enlarging the District's sphere of influence into the City's territory, and to require the City to operate a fire department. The ordinance proposes to dissolve the District Service Zone flat tax of \$148.24 and to impose a one-time tax, for a period not to exceed two (2) years, upon each parcel within the City, at a rate of 0.15% of assessed value, not to exceed \$120.00 per parcel per year? | YES |
| | NO |

| | |
|---|------------|
| Shall an ordinance be adopted to prohibit destruction of the curve and median at the corner of Broadway & Needles Highway in the City of Needles and to create the Padre Francisco Garces statue? | YES |
| | NO |

| | |
|--|-----|
| <p>Shall the Charter of the City of Needles be amended to create a five (5) member Historic Preservation Commission to, among other things, keep a Register of Historic Places within the City of Needles, make recommendations regarding properties for inclusion in the Register of Historic Places, review the qualifications of any cultural resource consultants and cultural resource/historic analysis reports, and affirm or deny recommendations made by the Needles Cemetery Board regarding the Needles Pioneer Cemetery?</p> | YES |
| | NO |

| | |
|--|-----|
| <p>Shall Section 1102 of the Charter of the City of Needles be amended to prohibit the City from taking action to reorganize, merge or annex any and all territory within City limits into any district, special district, service zone or other legislative construct where a fee or tax already exists, without a vote of 2/3 of the electors?</p> | YES |
| | NO |

SECTION 4. That the proposed complete text of the measures submitted to the voters is attached as Exhibit A.

SECTION 5. That the vote requirement for the measures to pass is a majority (50%+1) of the votes cast.

SECTION 6. That the county election department is authorized to canvass the returns of the General 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. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

SECTION 7. That 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 8. That the City of Needles 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 9. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of San Bernardino.

SECTION 10. That 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 at a special meeting of the City Council of the City of Needles, California, held on the 11th day of August, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

(SEAL)

ATTEST: _____
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

1)

TEXT OF PROPOSED INITIATIVE

The People of the City of Needles do ordain as follows:

A) Neither the City of Needles ("City") nor its council nor any other Legislative or Administrative body of the City, nor its Officers, altogether inclusively referred to as "City," shall take any action to annex the City's territory into the San Bernardino County ("County") Fire Protection District ("District") nor shall it seek or agree to County reorganization to enlarge the District's sphere of influence into the City's territory; nor shall it neglect the duty to operate a functioning City Fire Department ("Department") providing City fire protection services compliant with the ISO standards current at the time of passing of this ordinance. B) Any and all County Fire Protection District "Service Zones" associated with the territory of the City including "Service Zone FP-5 Needles (City of Needles) in force at the time of the passing of this ordinance shall be dissolved immediately upon the passage of this ordinance along with any agreement to allow for the increase of the District's sphere of influence into the City's territory. C) Any action taken by the City resulting in the transfer or lease of the City of Needles Fire Department property, and equipment including the fire station (house) and truck to the county or district as a part of any reorganization and, or, annexation of City territory into said County's District is strictly prohibited. D) As a part of the dissolution of "Service Zone FP-5 Needles" as required by this resolution, it shall be the responsibility of the City Manager to negotiate with the County and District for the return of the fire truck and equipment owned by the City/Department which was transferred to the County/District as an element of the formation of said service zone. E) The City's Fire Department and its fire station shall be managed (1) in conformance with standards that would preserve current ISO insurance ratings, and (2) by a credentialed California certified fire protection professional who shall act as Fire chief and shall be an employee of the City as provided in the City's charter. F) The Fire Chief shall cause the fire station to be staffed according to current ISO standards either by direct hire, or on contract, fire fighters who will serve in shifts and will, at all times on their shift be available for immediate deployment for service. All Fire Department employees directly hired by the City shall be required to have a California Driver's license. (G) Paid call fire fighters shall also be deployed on contract as necessary to assist in fighting fires within the territory of the City. (H) It shall be the duty of the City's Fire Chief to cause a map to be made and updated to show the locations of all fire hydrants within the City of Needles and to maintain them in functioning operating condition. (I) Immediately following the dissolution of the Fire Service Zone FP-5 as it pertains to the City and the dissolution of the associated county district service zone flat tax (currently \$148.24), there shall be a one-time tax for a period not to exceed two years, upon each parcel within the territory of Needles at a rate of 0.15% of assessed value but not to exceed \$120.00 per parcel per annum

to be used by and for the City's Fire Department for start up expenses, including for the employment of staff, for the purchase of necessary equipment for the City's Fire Department and for education and training of the Department's professionals as to fire, disaster, terrorism response within the territory of the City of Needles.

2) **TEXT OF PROPOSED INITIATIVE.**

The People of the City of Needles do ordain a city ordinance as follows:

a) The destruction of the historic curve and median at the corner of Broadway and Needles Highway is strictly prohibited; b) there shall be fund established for the purpose of securing a bronze statue representing the friendship and bond between the native Mojave people and EuroAmerican settlers which statue will depict Padre Francisco Garces being shown the way across the desert by a Mojave "trail runner" or warrior. The measure shall be required as a part of the I-40 Interconnect project and shall be engineered into the design and funded as a part of that project. c) Parts "a" and "b" are severable and part "a" of this ordinance is to be enforced whether or not part "b" is ever completed.

In addition there are two charter amendments which require that they go to the vote of the people and the proponents have also asked that they be placed on the November 8 ballot.

3) **TEXT OF PROPOSED INITIATIVE**

The People of the City of Needles do ordain a city charter amendment as follows:

Sec. 1102. Tax limits.

(d) The council shall be prohibited from taking action to reorganize, merge or annex any and all territory within its limits into any district, special district, service zone, or other legislative construct where a fee or tax already exists or where there are provisions for or the ability to, and, or, intent to tax or charge fees for any purpose, without a consenting vote of 2/3 of the electors voting on a proposition at any election at which the question of such reorganization is submitted to the voters.

4) **TEXT OF PROPOSED INITIATIVE.**

The People of the City of Needles do ordain a city charter amendment as follows:

There shall be a historic preservation commission consisting of five members. The Historic Preservation Commission shall have the power and duty to: (a) Keep a Register of Historic Places within the territory of the City of Needles which listing will be minimally established as historic and culturally significant properties previously listed as significant on international, national, statewide, county or other local registers AND the "Needles Pioneer Cemetery" and the "Needles Historic District" which shall consist of the corridor and adjacent properties (including those connected by historic underground passageways) along Route 66 and National Trails Highway located in the vicinity of and between the East Broadway Exit and the West Broadway exit of Interstate 40. (b) Recommend to the council, after a public hearing thereon, to include or repeal (except for those minimally required by this section) any property or district within the territory of the City of Needles for inclusion on the Needles Register of Historic Places. (c) Review the qualifications of any cultural resource consultants and cultural resource/historic analysis reports and make recommendations and advise the council with regard to all matters concerning the preservation, protection, interpretation and disposition of historic/cultural/archaeological properties within the territory of the City of Needles. (d) Affirm or deny recommendations made by the Needles Cemetery Board with regard to the Needles Pioneer Cemetery. (e) Perform such other duties and functions not inconsistent with this Charter as may be prescribed by ordinance.

RESOLUTION NO. 2016-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, SETTING PRIORITIES FOR FILING (A) WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, a General Municipal Election is to be held in the City of Needles, California, on November 8, 2016, at which there will be submitted to the voters the following measure(s):

1. Shall an ordinance be adopted to prohibit the annexation of the City of Needles ("City") to the San Bernardino County Fire Protection District ("District"), to prohibit the City from enlarging the District's sphere of influence into the City's territory, and to require the City to operate a fire department. The ordinance proposes to dissolve the District Service Zone flat tax of \$148.24 and to impose a one-time tax, for a period not to exceed two (2) years, upon each parcel within the City, at a rate of 0.15% of assessed value, not to exceed \$120.00 per parcel per year.
2. Shall an ordinance be adopted to prohibit destruction of the curve and median at the corner of Broadway & Needles Highway in the City of Needles and to create the Padre Francisco Garces statue.
3. Shall the Charter of the City of Needles be amended to create a five (5) member Historic Preservation Commission to, among other things, keep a Register of Historic Places within the City of Needles, make recommendations regarding properties for inclusion in the Register of Historic Places, review the qualifications of any cultural resource consultants and cultural resource/historic analysis reports, and affirm or deny recommendations made by the Needles Cemetery Board regarding the Needles Pioneer Cemetery.
4. Shall Section 1102 of the Charter of the City of Needles be amended to prohibit the City from taking action to reorganize, merge or annex any and all territory within City limits into any district, special district, service zone or other legislative construct where a fee or tax already exists, without a vote of 2/3 of the electors.

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

SECTION 1. That the City Council authorizes the following member(s) of it's body

1. _____ (Council Member In Favor) or
_____ (Council Member In Favor) or
_____ (Council Member In Favor) or
2. _____ (Council Member In Favor) or
_____ (Council Member In Favor) or
_____ (Council Member In Favor) or
3. _____ (Council Member In Favor) or
_____ (Council Member In Favor) or

_____ (Council Member In Favor) or

4. _____ (Council Member In Favor) or

_____ (Council Member In Favor) or
1.

_____ (Council Member Against)

_____ (Council Member Against)

_____ (Council Member Against)
2.

_____ (Council Member Against)

_____ (Council Member Against)

_____ (Council Member Against)
3.

_____ (Council Member Against)

_____ (Council Member Against)

_____ (Council Member Against)
4.

_____ (Council Member Against)

_____ (Council Member Against)

_____ (Council Member Against)

to file (a) written argument(s) not exceeding 300 words regarding the City measure as specified above, 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. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.]

The arguments shall be filed with the City Clerk, signed, with 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. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 2. That the city council directs the City Clerk to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney

are affected.

a. The city attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the city attorney, the city clerk shall prepare the impartial analysis.

b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.

c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Ordinance(s) or Measure (s). If you desire a copy of the ordinance or measure, please call the election official's office at 760-326-2113 X345 or email at ndlsclerk@citlink.net and a copy will be mailed at no cost to you."

d. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. That 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 at a special meeting held on August 11, 2016 by the following roll call votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor

Seal City Clerk

APPROVED AS TO FORM:

City Attorney