

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DECLARING A STATE OF FISCAL EMERGENCY FOR PLACEMENT OF A GENERAL TAX MEASURE BEFORE THE VOTERS OF MILPITAS

WHEREAS, the City of Milpitas is facing a severe and immediate budget crisis as a result of the State Legislature's adoption of ABX1 26, approved by Governor Brown on June 28, 2011; and

WHEREAS, as a result of the adoption of ABX1 26, the amount of funds available for municipal operations of the City of Milpitas in the form of salary were reduced as of February 1, 2012, by at least \$7,000,000, and there is no substitute source for such funds; and

WHEREAS, municipal operations would be severely hampered by reducing the City workforce in order to absorb the extra \$7,000,000 taken by the State and by law the City must present a balanced budget by June 30, 2012, for fiscal year 2012/2013. Without the adoption of a tax measure by voter approval, there is no other way to make up the shortfall except by severe workforce reduction, which would cause a severe and immediate impact to the health and safety of the people of the City of Milpitas by threatening the timely and efficient provision of police and fire services and the safe and sanitary provision of municipal services, including potable water service, sanitary and storm water sewage service, street, sidewalk and park maintenance; and

WHEREAS, a general tax measure must be presented to the voters at the June 2012 election for it to have an immediate effect on the City budget for fiscal year 2012/2013 and in order to take that step, according to the provisions of Proposition 218, the City must declare an emergency by unanimous decision of the City Council.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby determines that, based on the fiscal situation described herein created by the passage of ABX1 26 by the California State Legislature and Governor Jerry Brown, there now exists and for the foreseeable future will exist an emergency fiscal in nature within the City of Milpitas, threatening that Municipal Corporation's ability to provide essential services to the population within its borders.
3. This action is exempt from further environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. This action in declaring an emergency is intended for the purpose of complying with Article 13C § 2(b) of the California Constitution to allow a general tax measure to go before the voters at other than a regularly scheduled general election for members of the City Council and Mayor and for no other purpose.

PASSED AND ADOPTED this ____ day of _____, by the following vote (requires unanimous vote):

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney