



# City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

**March 21, 2024**

Dean C. Logan  
Registrar-Recorder/County Clerk

Los Angeles Registrar-Recorder/County Clerk  
12400 Imperial Highway, 2<sup>nd</sup> Floor, Room 2013A  
Norwalk, CA 90650

Dear Mr. Logan,

Please find the enclosed resolutions from the City of Hermosa Beach regarding;

- 1) Calling the Election to add a ballot measure to the ballot.
- 2) Requesting Consolidation.
- 3) Arguments, Rebuttals, and Impartial Analysis.

Please note that the Hermosa Beach City Council has not called the General Municipal Election for the election of two (2) members of the City Council and, one (1) City Treasurer. That resolution along with the resolution regarding "In the event of a tie vote" will be provided in June 2024.

Please feel free to contact me with any questions about this correspondence.

Sincerely,

**Myra Maravilla, MPA, CMC** | City Clerk  
o: 310-318-0204  
e: [mmaravilla@hermosabeach.gov](mailto:mmaravilla@hermosabeach.gov)  
[hermosabeach.gov](http://hermosabeach.gov)

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

63 April 23, 2024

JEFF LEVINSON  
INTERIM EXECUTIVE OFFICER

**RECEIVED**

**By Anjanette Allen at 8:44 am, Mar 28, 2024**



# City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

March 21, 2024

Jeff Levinson, Interim Executive Officer  
Board of Supervisors

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 383  
Los Angeles, CA 90012

Dear Mr. Levinson,

Please find the enclosed resolutions from the City of Hermosa Beach regarding;

- 1) Calling the Election to add a ballot measure to the ballot.
- 2) Requesting Consolidation.
- 3) Arguments, Rebuttals, and Impartial Analysis.

Please note that the Hermosa Beach City Council has not called the General Municipal Election for the election of two (2) members of the City Council and, one (1) City Treasurer. That resolution, along with the resolution regarding "In the event of a tie vote" will be provided in June 2024.

Copies were also emailed and mailed to the Registrar-Recorder/County Clerk.

Please feel free to contact me with any questions about this correspondence.

Sincerely,

**Myra Maravilla, MPA, CMC** | City Clerk

o: 310-318-0204

e: [mmaravilla@hermosabeach.gov](mailto:mmaravilla@hermosabeach.gov)

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**RECEIVED**

By Anjanette Allen at 8:45 am, Mar 28, 2024

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*By Anjanette Allen at 8:45 am, Mar 28, 2024*

**CITY OF HERMOSA BEACH  
RESOLUTION NO. RES-24-7417**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE PLACEMENT OF AN ORDINANCE ON THE BALLOT TO ENACT A LOCALLY CONTROLLED GENERAL TRANSACTIONS AND USE TAX (SALES TAX) AT THE RATE OF THREE-QUARTER CENT (3/4 ¢) PURSUANT TO CALIFORNIA PROPOSITION 218**

**WHEREAS**, the City Council of the City of Hermosa Beach ("City") is authorized to levy a Transactions and Use Tax ("sales tax") for general purposes pursuant to California Revenue and Taxation Code section 7285.9, subject to approval by a majority vote of the electorate pursuant to Article XIII C, section 2 of the California Constitution ("Proposition 218"); and

**WHEREAS**, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be called and held in the City of Hermosa Beach on November 5, 2024; and

**WHEREAS**, pursuant to California Elections Code section 9222, the City Council has authority to place local measures on the ballot to be considered at a Municipal Election; and

**WHEREAS**, the City Council would like to submit to the voters at the November 5, 2024 General Municipal Election a measure enacting a locally controlled general transactions and use tax at a rate of three quarter cent (3/4 ¢) on the sale and/or use of all tangible personal property sold at retail in the City until it is ended by voters, as more specifically set forth in the attached proposed ordinance adding Chapter 3.48 to Title 3 of the City's Municipal Code; and

**WHEREAS**, the ¾ cent sales tax is a general tax, the revenue of which will be placed in the City's general fund and will be used to pay for important general City services; and

**WHEREAS**, on November 6, 1996, the voters of the State of California approved Proposition 218, an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

**WHEREAS**, pursuant to Proposition 218 (California Constitution, Article XIII C, § 2(b)), the general rule is that any local election for the approval of an increase to a general tax must be consolidated with a regularly scheduled general election for members of the governing body of the local government; and

**WHEREAS**, the next regularly scheduled general election at which City Council members are to be elected is November 5, 2024; and

**WHEREAS**, pursuant to Government Code section 53724 ("Proposition 62") and Revenue and Taxation Code section 7285.9, a two-thirds (2/3) vote of all members of the City Council is required to place the Measure on the November 5, 2024 ballot; and

**WHEREAS**, the ordinance to be considered by the qualified voters and the terms of approval, collection and use of the general sales tax are described and provided for in the ordinance/measure attached hereto as Exhibit "A" (the "Measure") and by this reference made an operative part hereof, in accordance with all applicable laws.

**WHEREAS**, pursuant to Government Code section 53724 ("Proposition 62") and Revenue and Taxation Code section 7285.9, a two-thirds (2/3) vote of all members of the City Council is required to place the Measure on the November 5, 2024 ballot; and

**WHEREAS**, on February 15, 2024, the City Council considered the placement of this Transactions and Use Tax ("sales tax") for general purposes on the upcoming November 5, 2024 ballot and directed City staff to make certain changes to the ordinance and ballot measure question. The ballot measure read into the record at the meeting was in excess of the statutory limit of 75 words (77 word ballot measure question). In order to avoid any confusion, this resolution contains the updated ballot measure question that conforms to the 75-word limit, updates the ordinance with the changes requested by the City Council and replaces any previous resolution related to this Transactions and Use Tax ("sales tax") for general purposes.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

**SECTION 2.** Calling of Election. Pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Hermosa Beach, California, on Tuesday, November 5, 2024, a General Municipal Election for the purpose of submitting the Measure attached hereto as Exhibit "A" and incorporated herein by this reference to the qualified electors of the City.

**SECTION 3.** The City Council, pursuant California Elections Code Section 9222, hereby orders that the following question be submitted to the qualified electors of the City of Hermosa Beach and printed on the November 5, 2024 General Municipal Election ballot:

Shall the measure protecting essential services such as police, crime prevention, parks, streets and sidewalks, beaches, cleaning of public areas, addressing homelessness, schools, supporting local businesses, and for other general governmental use by enacting a 3/4 <del>¢</del> transaction and use (sales) tax providing approximately \$3,000,000 annually, with a sunset clause 20 years from the effective date, or until ended by voters, with annual audits, a citizen oversight committee and all funds staying local, be adopted?	<b>YES</b>
	<b>NO</b>

**SECTION 4.** Conduct of Election. The City Clerk is authorized, instructed, and directed to coordinate with the County of Los Angeles 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 6.** Notice of 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 7.** Placement on the ballot. The full text of the Measure shall not be printed in the Sample Ballot Booklet, and a statement shall be printed in the ballot pursuant to Elections Code § 9223 advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk.

**SECTION 8.** Filing with County. The City Clerk shall, not later than the 88<sup>th</sup> day prior to the General Municipal Election to be held on Tuesday, November 5, 2024, file with the Board of Supervisors and the Registrar-Recorder/County Clerk of the County of Los Angeles, State of California, a certified copy of this Resolution.

**SECTION 9.** Public Examination. Pursuant to California Elections Code § 9295, this Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The City Clerk shall post notice in the Clerk’s office of the specific dates that the examination period will run.

**SECTION 10.** The City Clerk is hereby authorized and directed to appropriate the necessary funds to pay for the City’s cost of placing the Measure on the election ballot.

**SECTION 11.** That the vote requirement for the measure to pass is a majority (50% + 1) of the votes cast.

**SECTION 12.** 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 13.** The City Council authorizes the City Clerk to administer said election and all the City shall reimburse Los Angeles County for all reasonable and actual election expenses upon presentation of a properly submitted bill.

**SECTION 14.** Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

**SECTION 15.** This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this Resolution and enter it into the book of original Resolutions.

**PASSED, APPROVED, and ADOPTED** this 12<sup>th</sup> Day of March, 2024.

*Justin Massey, Mayor*

\_\_\_\_\_  
Mayor Justin Massey

**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, CA

**ATTEST:**

*Myra Maravilla*

\_\_\_\_\_  
Myra Maravilla,  
City Clerk

**APPROVED AS TO FORM:**

*Patrick Donegan*

\_\_\_\_\_  
Patrick Donegan,  
City Attorney

Exhibit "A"

**Chapter 3.48 - Transactions and Use Tax**

**Sections:**

- 3.48.010 - Purpose.**
- 3.48.020 - Contract With State.**
- 3.48.030 - Transactions Tax Rate.**
- 3.48.040 - Place of Sale.**
- 3.48.050 - Use Tax Rate.**
- 3.48.060 - Adoption of Provisions of State Law.**
- 3.48.070 - Limitations on Adoption of State Law and Collection of Use Taxes.**
- 3.48.080 - Permit Not Required.**
- 3.48.090 - Exemptions and Exclusions.**
- 3.48.100 - Amendments.**
- 3.48.110 - Enjoining Collection Forbidden.**
- 3.48.120 - Duration of Tax.**
- 3.48.130 - Citizens' Oversight Committee.**

**Sections:**

**3.48.010 - Purpose.**

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a

manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

- D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record-keeping upon persons subject to taxation under the provisions of this ordinance.

#### **3.48.020 - Contract With State.**

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

#### **3.48.030- Transactions Tax Rate.**

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of three quarters of one percent (3/4 %) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

#### **3.48.040 - Place of Sale.**

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.



### **3.48.050 - Use Tax Rate.**

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of three quarters of one percent (3/4 %) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

### **3.48.060 - Adoption of Provisions of State Law.**

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

### **3.48.070 - Limitations on Adoption of State Law and Collection of Use Taxes.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:
  1. The word "State" is used as a part of the title of the State Controller, State Treasurer, California Victim Compensation Board, California Department of Tax and Fee Administration, State Treasury, or the Constitution of the State of California;
  2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.
  3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
    - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property

which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

- b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
4. In reference to Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.
- B. The word "city" shall be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 of the Revenue and Taxation Code and in the definition of that phrase in Section 6203.
1. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

### **3.48.080 - Permit not Required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

### **3.48.090 - Exemptions and Exclusions.**

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
  - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
  - b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.
5. For the purposes of subparagraphs (3) and (4) of this subsection, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time

for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.
5. For the purposes of subparagraphs (3) and (4) of this subsection, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to,

soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.
- D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for, a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

### **3.48.100 - Amendments.**

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

### **3.48.110 - Enjoining Collection Forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

### **3.48.120 - Duration of Tax.**

The tax imposed by this chapter shall continue for a period of twenty (20) years from its operative date or until this ordinance is repealed.

### **3.48.130 - Citizens' Oversight Committee.**

The City Council hereby establishes a citizens' oversight committee to monitor the expenditures of revenue collected pursuant to this Chapter only. The make-up, terms and specific duties of the oversight committee shall be set forth in a resolution adopted by the City Council. Such a resolution may be amended by resolution of the City Council.

State of California        )  
County of Los Angeles    ) ss  
City of Hermosa Beach    )

March 14, 2024

**Certification of Council Action**

**RESOLUTION NO. RES-24-7417**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE PLACEMENT OF AN ORDINANCE ON THE BALLOT TO ENACT A LOCALLY CONTROLLED GENERAL TRANSACTIONS AND USE TAX (SALES TAX) AT THE RATE OF THREE-QUARTER CENT (3/4 ¢) PURSUANT TO CALIFORNIA PROPOSITION 218**

I, Myra Maravilla, City Clerk of the City of Hermosa Beach do hereby certify that the above and foregoing Resolution No. RES-24-7417 was duly approved and adopted by the City Council of said City at its regular meeting thereof held on the 12<sup>th</sup> day of March 2024, and passed by the following vote:

**AYES:           MAYOR MASSEY and COUNCILMEMBERS SAEMANN, DETOY and JACKSON**

**NOES:           MAYOR PRO TEMPORE FRANCOIS**

**ABSTAIN:       NONE**

**ABSENT:        NONE**



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Myra Maravilla,  
City Clerk

**RECEIVED**

*By Anjanette Allen at 8:45 am, Mar 28, 2024*

**CITY OF HERMOSA BEACH  
RESOLUTION NO. RES-24-7418**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO § 10403 OF THE CALIFORNIA ELECTIONS CODE**

**WHEREAS**, on February 15, 2024 the City Council of the City of Hermosa Beach considered the calling a General Municipal Election to be held on November 5, 2024 for the purpose of submitting to the voters the question relating to a locally controlled general transactions and use tax (sales tax) at the rate of three-quarter (3/4 ¢); and

**WHEREAS**, on February 15, 2024, the ballot measure read into the record at the meeting was in excess of the statutory limit of 75 words (77 word ballot measure question). In order to avoid any confusion, this resolution contains the updated ballot measure question that conforms to the 75-word limit, and replaces any previous resolution related to the calling of a General Municipal Election for purposes of the below Transactions and Use Tax (“sales tax”) ballot measure.

**WHEREAS**, it is therefore 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, vote center and election workers of the two elections be the same, and that the Registrar-Recorder/County Clerk of the County of Los Angeles canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** Request for Consolidation. Pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 5, 2024, for the purpose of submitting to the voters a ballot measure relating to the a general transactions and use tax (sales tax) at the rate of three-quarter (3/4 ¢).



**SECTION 2.** Measure Language. A measure is to appear on the ballot as follows:

Shall the measure protecting essential services such as police, crime prevention, parks, streets and sidewalks, beaches, cleaning of public areas, addressing homelessness, schools, supporting local businesses, and for other general governmental use by enacting a 3/4 <del>z</del> transaction and use (sales) tax providing approximately \$3,000,000 annually, with a sunset clause 20 years from the effective date, or until ended by voters, with annual audits, a citizen oversight committee and all funds staying local, be adopted?	<b>YES</b>
	<b>NO</b>

**SECTION 3.** Canvass of Returns. The Los Angeles Registrar-Recorder/County Clerk is authorized to canvass the returns and perform all other proceedings incidental to and connected with 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. Pursuant to California Elections Code Section 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

**SECTION 4.** Necessary Steps. The Board of Supervisors is requested to issue instructions to the County election department to take any and all steps necessary for holding of the consolidated election.

**SECTION 5.** Costs. The City Council determines and declares that the City will pay to the County the reasonable and actual expenses incurred by the County by the consolidation of the General Municipal Election with the Statewide General Election. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill. The City Manager of the City of Hermosa Beach is authorized and directed to pay for the expenses incurred after receiving a statement from the County of Los Angeles.

**SECTION 6.** Filing of Resolution. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the election department of the County of Los Angeles.

**SECTION 7.** Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be

severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

**SECTION 8.** Effective Date of Resolution. This Resolution shall become effective upon its adoption, and the City Clerk shall certify the vote adopting this Resolution and enter it into the book of original Resolutions.

**PASSED, APPROVED, AND ADOPTED** on this 12<sup>th</sup> day of March, 2024.

*Justin Massey, Mayor*

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Mayor Justin Massey

**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, CA

**ATTEST:**

**APPROVED AS TO FORM:**

*gll*

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Myra Maravilla,  
City Clerk

*Patrick Donegan*

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Patrick Donegan,  
City Attorney

State of California )  
County of Los Angeles ) ss  
City of Hermosa Beach )

March 12, 2024

**Certification of Council Action**

**RESOLUTION NO. RES-24-7418**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO § 10403 OF THE CALIFORNIA ELECTIONS CODE**

I, Myra Maravilla, City Clerk of the City of Hermosa Beach do hereby certify that the above and foregoing Resolution No. RES-24-7418 was duly approved and adopted by the City Council of said City at its regular meeting thereof held on the 12<sup>th</sup> day of March 2024 and passed by the following vote:

**AYES: MAYOR MASSEY and COUNCILMEMBERS SAEMANN, DETOY and JACKSON**

**NOES: MAYOR PRO TEMPORE FRANCOIS**

**ABSTAIN: NONE**

**ABSENT: NONE**



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Myra Maravilla,  
City Clerk

**RECEIVED**  
By Anjanette Allen at 8:46 am, Mar 28, 2024

**CITY OF HERMOSA BEACH  
RESOLUTION NO. RES-24-7419**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT AND REBUTTAL ARGUMENT REGARDING A LOCALLY CONTROLLED ORDINANCE TO ENACT A GENERAL TRANSACTIONS AND USE TAX (SALES TAX) AT THE RATE OF THREE-QUARTER CENT (3/4 ¢) TO BE SUBMITTED TO VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 5, 2024, AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS**

**WHEREAS**, a General Municipal Election will be held in the City of Hermosa Beach, California, on Tuesday, November 5, 2024, at which there will be submitted to the voters the following question:

Shall the measure protecting essential services such as police, crime prevention, parks, streets and sidewalks, beaches, cleaning of public areas, addressing homelessness, schools, supporting local businesses, and for other general governmental use by enacting a 3/4¢ transaction and use (sales) tax providing approximately \$3,000,000 annually, with a sunset clause 20 years from the effective date, or until ended by voters, with annual audits, a citizen oversight committee and all funds staying local, be adopted?	<b>YES</b>
	<b>NO</b>

**WHEREAS**, on February 15, 2024, the City Council considered the setting of priorities for filing a written argument and rebuttal argument regarding a locally controlled ordinance to enact a general transactions and use tax (sales tax) on the upcoming November 5, 2024 ballot and directed City staff to make certain changes to the ordinance and ballot measure question. The ballot measure read into the record at the meeting was in excess of the statutory limit of 75 words (77 word ballot measure question). In order to avoid any confusion, this resolution contains the updated ballot measure question that conforms to the 75-word limit, and replaces any previous resolution related to setting of priorities for filing a written argument and rebuttal argument for this ballot measure.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** Primary Arguments. That the City Council authorizes (i) the Mayor, City Council or any members(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor or against the City measure, 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, and to change the argument until and including the date fixed below by the City Clerk, after which no arguments for or against the City measure for or against the City measure may be submitted to the City Clerk.

That arguments for the measures specified above shall not exceed **300** words and must be accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, and Division 9 of the Elections Code of the State of California.

The argument may not be signed by more than five authors. Arguments shall be accompanied by a "Form of Statement to be Filed by Author(s) of Argument."

Arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting them 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. Arguments may be changed or withdrawn until and including the date fixed by the City Clerk (**12:00 p.m., Thursday, August 1, 2024**), after which no arguments for or against the measures may be submitted to the City Clerk.

**SECTION 2.** Rebuttal Arguments. That pursuant to Sections 9285 of the Elections Code of the State of California, when the City Clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall immediately send a copy of the argument in favor of the measure to the author(s) of the argument against the measure, and a copy of the argument against the measure to the author(s) of the argument in favor of the measure.

The author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument not exceeding **250** words, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors. A rebuttal argument shall be accompanied by a "Form of Statement to be Filed by Author(s) of Argument."

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting them 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, not more than 10 days after the final date for filing direct arguments. The deadline for filing rebuttal arguments will be **12:00 p.m., Thursday, August 8, 2024**.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

**SECTION 3.** Impartial Analysis. Pursuant to Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to

exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure, and transmit such impartial analysis to the City Clerk not later than the deadline for submittal of primary arguments for or against the Measure.

The impartial 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 City Council. The full text of the Measure shall not be printed in the Sample Ballot Booklet. Printed immediately below the impartial analysis, in no less than 10-font bold type, will be: **“The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please contact the Office of the City Clerk at (310) 318-0204 or at cityclerk@hermosabeach.gov and a copy will be mailed at no cost to you.”**

The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments (**12:00 p.m., Thursday, August 1, 2024**).

**SECTION 3.** Prior Resolutions. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

**SECTION 4.** November 5, 2024 General Municipal Election. That the provisions of Section 1 and Section 2 shall apply only to the election to be held on November 5, 2024, and shall then be repealed.

**SECTION 5.** That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter it into the book of original Resolutions, and shall make a minute of the passage and adoption thereof in the minutes of the meeting at which the Resolution is adopted.

**PASSED, APPROVED, and ADOPTED** on this 12<sup>th</sup> day of March, 2024.

*Justin Massey, Mayor*

\_\_\_\_\_  
Mayor Justin Massey

**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, CA

**ATTEST:**

**APPROVED AS TO FORM:**

*gcl*

\_\_\_\_\_  
Myra Maravilla,  
City Clerk

*Patrick Donegan*

\_\_\_\_\_  
Patrick Donegan,  
City Attorney

State of California )  
County of Los Angeles ) ss  
City of Hermosa Beach )

March 14, 2024

**Certification of Council Action**

**RESOLUTION NO. RES-24-7419**

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**AYES: MAYOR MASSEY and COUNCILMEMBERS SAEMANN, DETOY and JACKSON**

**NOES: MAYOR PRO TEMPORE FRANCOIS,**

**ABSTAIN: NONE**

**ABSENT: NONE**



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Myra Maravilla,  
City Clerk