

RESOLUTION NO. 2012 - 44

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, RECITING THE FACT OF THE
GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6,
2012, DECLARING THE RESULT AND SUCH OTHER MATTERS
AS PROVIDED BY LAW**

WHEREAS, a General Municipal Election was held and conducted in the City of Wildomar, California, on Tuesday, November 6, 2012, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the Riverside County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

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

SECTION 1. That the whole number of ballots cast in the precincts except vote by mail voter ballots and provisional ballots was 5,389.

That the whole number of vote by mail voter ballots cast in the City was 5,698, making a total of 11,087 ballots cast in the City.

SECTION 2. That the names of persons voted for at the election for Member of the City Council are as follows:

Bob Cashman
R. Richard Cary
Mitch Miller
Bridgette Moore

That the measure voted upon at the election is as follows:

Measure Z – Wildomar Parks

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measure were as listed in Exhibit "A" attached.

SECTION 4. The City Council does declare and determine that: Bob Cashman was elected as Member of the City Council for the full term of four years; and

Bridgette Moore was elected as Member of the City Council for the full term of four years.

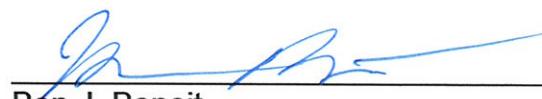
That as a result of the election, a 66 2/3rds% majority of the voters voting on Measure Z, "An Ordinance of the City of Wildomar, California, Adding A New Chapter 3.18 To The Wildomar Municipal Code Authorizing A Special Tax To Provide Funding For Wildomar Community Parks and Community Park Related Facilities, Programs and Services" (attached as Exhibit "B") did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) The measure voted upon; (4) For what office each person was voted for; (5) The number of votes given at each precinct to each person, and for and against each measure; (6) The total number of votes given to each person, and for and against each measure.

SECTION 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 12th day of December, 2012.



Ben J. Benoit
Mayor

APPROVED AS TO FORM:



Thomas D. Jex
City Attorney

ATTEST:



Debbie A. Lee, CMC
City Clerk

EXHIBIT A

Kari Verjil
Registrar of Voters



Rebecca Spencer
Assistant Registrar of Voters

REGISTRAR OF VOTERS COUNTY OF RIVERSIDE

CERTIFICATE OF REGISTRAR OF VOTERS TO THE RESULTS OF THE CANVASS OF ELECTION RETURNS

State of California)
)
) ss.
County of Riverside)

I, KARI VERJIL, Registrar of Voters of said County, do hereby certify that, in pursuance of the provisions of Sections 15301, 15372, and 15374 of the California Elections Code, and the resolution adopted by the City Council, I did canvass the returns of the votes cast on November 6, 2012, as part of the Consolidated Presidential General Election in the

CITY OF WILDOMAR

and I further certify that the statement of votes cast, to which this certificate is attached, shows the whole number of votes for each candidate for elective office and for and against each measure at said election, in said City, and in each precinct therein, and that the totals as shown for said election are full, true, and correct.

Dated this 26th day of November 2012.



Kari Verjil
KARI VERJIL
Registrar of Voters

RIVERSIDE COUNTY Statement of Vote
CONSOLIDATED PRESIDENTIAL ELECTION

100081	CITY COUNCIL MEMBER, CITY OF WILDOMAR									
	Registration	Balots Cast	Turnout (%)	BOB CASHMAN	R. RICHARD CARY	MITCH MILLER	BRIDGETTE MOORE			
14000 WILDOMAR	1057	391	36.99	132	30	105	167			
14000 - Vote by Mail Reporting	1057	316	29.90	116	54	121	139			
14003 WILDOMAR	957	365	38.14	149	25	108	182			
14003 - Vote by Mail Reporting	957	336	35.11	140	51	111	169			
14007 WILDOMAR	939	374	39.83	140	30	119	169			
14007 - Vote by Mail Reporting	939	333	35.46	135	38	121	160			
14008 WILDOMAR	812	286	35.22	112	20	88	134			
14008 - Vote by Mail Reporting	812	280	34.48	115	36	77	148			
14009 WILDOMAR	1042	409	39.25	139	49	147	155			
14009 - Vote by Mail Reporting	1042	418	40.12	174	55	143	221			
14012 WILDOMAR	1095	451	41.19	166	43	147	195			
14012 - Vote by Mail Reporting	1095	381	34.79	142	51	131	188			
14013 WILDOMAR	1105	458	41.45	144	47	132	203			
14013 - Vote by Mail Reporting	1105	379	34.30	151	60	132	163			
14014 WILDOMAR	1378	550	39.91	194	54	192	204			
14014 - Vote by Mail Reporting	1378	522	37.88	219	53	196	295			
14018 WILDOMAR	237	20	8.44	0	1	0	2			
14018 - Vote by Mail Reporting	237	139	58.65	39	21	50	55			
14020 WILDOMAR	1454	496	34.11	155	55	156	190			
14020 - Vote by Mail Reporting	1454	530	36.45	199	60	195	226			
14026 WILDOMAR	1655	607	36.68	196	75	211	217			
14026 - Vote by Mail Reporting	1655	673	40.66	278	96	255	303			
14028 WILDOMAR	583	27	4.63	9	1	13	8			
14028 - Vote by Mail Reporting	583	421	72.21	151	54	164	210			
14030 WILDOMAR	1598	590	36.92	163	84	202	239			
14030 - Vote by Mail Reporting	1598	621	38.86	249	110	243	262			
14033 WILDOMAR	986	365	37.02	114	33	108	131			
14033 - Vote by Mail Reporting	986	349	35.40	118	48	141	139			
Precinct Totals	14898	5389	36.17	1813	547	1728	2196			
Vote by Mail Reporting Totals	14898	5698	38.25	2226	787	2080	2678			
Grand Totals	14898	11087	74.42	4039	1334	3808	4874			
RIVERSIDE COUNTY	14898	11087	74.42	4039	1334	3808	4874			
42nd Congressional District	14898	11087	74.42	4039	1334	3808	4874			
28th Senatorial District	14898	11087	74.42	4039	1334	3808	4874			
67th Assembly District	14898	11087	74.42	4039	1334	3808	4874			
St. Bd of Equalization Dist. 4	14898	11087	74.42	4039	1334	3808	4874			
1st SUPERVISORIAL DISTRICT	14898	11087	74.42	4039	1334	3808	4874			
City of Wildomar	14898	11087	74.42	4039	1334	3808	4874			

RIVERSIDE COUNTY Statement of Vote
CONSOLIDATED PRESIDENTIAL ELECTION

140120	MEASURE Z – CITY OF WILDOMAR									
	Registration	Ballots Cast	Turnout (%)	YES	NO					
14000 WILDOMAR	1057	391	36.99	259	84					
14000 - Vote by Mail Reporting	1057	316	29.90	203	93					
14003 WILDOMAR	957	365	38.14	264	70					
14003 - Vote by Mail Reporting	957	336	35.11	255	64					
14007 WILDOMAR	939	374	39.83	256	89					
14007 - Vote by Mail Reporting	939	333	35.46	238	83					
14008 WILDOMAR	812	286	35.22	211	58					
14008 - Vote by Mail Reporting	812	280	34.48	179	84					
14009 WILDOMAR	1042	409	39.25	288	88					
14009 - Vote by Mail Reporting	1042	418	40.12	305	97					
14012 WILDOMAR	1095	451	41.19	328	98					
14012 - Vote by Mail Reporting	1095	381	34.79	275	86					
14013 WILDOMAR	1105	458	41.45	320	115					
14013 - Vote by Mail Reporting	1105	379	34.30	249	114					
14014 WILDOMAR	1378	550	39.91	371	137					
14014 - Vote by Mail Reporting	1378	522	37.68	353	138					
14018 WILDOMAR	237	20	8.44	3	0					
14018 - Vote by Mail Reporting	237	139	58.65	60	66					
14020 WILDOMAR	1454	496	34.11	324	124					
14020 - Vote by Mail Reporting	1454	530	36.45	304	192					
14026 WILDOMAR	1655	607	36.68	327	231					
14026 - Vote by Mail Reporting	1655	673	40.66	300	334					
14028 WILDOMAR	583	27	4.63	13	10					
14028 - Vote by Mail Reporting	583	421	72.21	249	149					
14030 WILDOMAR	1598	590	36.92	354	187					
14030 - Vote by Mail Reporting	1598	621	38.86	350	231					
14033 WILDOMAR	986	365	37.02	208	97					
14033 - Vote by Mail Reporting	986	349	35.40	210	112					
Precinct Totals	14898	5389	36.17	3526	1388					
Vote by Mail Reporting Totals	14898	5698	38.25	3530	1843					
Grand Totals	14898	11087	74.42	7056	3231					
RIVERSIDE COUNTY	14898	11087	74.42	7056	3231					
42nd Congressional District	14898	11087	74.42	7056	3231					
28th Senatorial District	14898	11087	74.42	7056	3231					
67th Assembly District	14898	11087	74.42	7056	3231					
St. Bd of Equalization Dist. 4	14898	11087	74.42	7056	3231					
1st SUPERVISORIAL DISTRICT	14898	11087	74.42	7056	3231					
City of Wildomar	14898	11087	74.42	7056	3231					

EXHIBIT B

ORDINANCE NO. 71

**AN ORDINANCE OF THE CITY OF WILDOMAR,
CALIFORNIA, ADDING A NEW CHAPTER 3.18 TO THE
WILDOMAR MUNICIPAL CODE AUTHORIZING A
SPECIAL TAX TO PROVIDE FUNDING FOR WILDOMAR
COMMUNITY PARKS AND COMMUNITY PARK RELATED
FACILITIES, PROGRAMS AND SERVICES**

The people of the City of Wildomar do ordain as follows:

SECTION 1. ADDITION OF CHAPTER 3.18. A new chapter 3.18 entitled "Save Wildomar Community Parks Funding Measure" is hereby added to Title 3 "Revenue and Finance" of the Wildomar Municipal Code, and shall read as follows:

**"Chapter 3.18 – SAVE WILDOMAR COMMUNITY
PARKS FUNDING MEASURE**

3.18.010 – Authority to Adopt Measure. This chapter and the tax authorized herein are adopted pursuant to the provisions of the California Constitution, Articles XIII A §4 and XIII C §2, and pursuant to Sections 50075 *et seq.* and 53722 *et seq.* of the California Government Code.

3.18.020 – Purpose. The tax authorized by this chapter is solely for the purpose of raising revenue to pay for the availability of and the funding, repair, operating and maintenance of community parks and community park related facilities, programs and services within the City of Wildomar. The tax is not imposed as an *ad valorem* tax on real property, nor a transaction tax or sales tax on the sale of real property. The proceeds of the tax will be deposited in a special fund and shall be restricted for the purposes stated above. As such, the tax is a special tax.

3.18.030 – Use of Proceeds. Tax proceeds raised pursuant to this chapter may only be used for Wildomar community park purposes as specified in Section 3.18.020, including, but not limited to, maintaining clean public restrooms, maintaining safe playground equipment, restoring safety lighting, removing graffiti, maintaining sports fields, and maintaining landscaping and public structures situated in Wildomar community parks. Tax proceeds raised pursuant to this chapter may also be used for audit reports as set forth in this chapter.

3.18.040 – Annual Report. An annual report shall be prepared and filed with the City Council of the City as provided in Sections 50075.1 and 50075.3 of the California Government Code, and shall contain (a) the amount of funds collected and expended, and (b) the status of the community park and community park facilities, programs and services funded by the tax proceeds raised pursuant to this chapter, including the costs of staff, utilities, materials, contract services and other items related to the repair and

maintenance of community parks and community park facilities.

3.18.050 – Annual Audit. The Director of Finance shall cause the City's independent auditor to perform an annual audit of the expenditure of the proceeds of the tax imposed by this chapter.

3.18.060 – Oversight Committee. By no later than March 1, 2013, the City Council shall establish a Wildomar Community Parks Funding Measure Citizen's Oversight Advisory Committee to advise the City Council regarding the collection and expenditure of tax revenues collected under the authority of this chapter. The Committee shall consist of at least five members, who shall be residents of the City. The terms of the Committee members and their specific duties shall be established by resolution of the City Council.

3.18.070 – Special Tax Fund. Tax proceeds raised pursuant to this chapter shall be deposited into a special fund in the City treasury, to be designated the "Wildomar Community Parks Special Tax Fund," and appropriated and expended only for the purposes authorized by this chapter.

3.18.080 – Special Tax. Commencing as of July 1, 2013 and continuing annually thereafter, there is imposed a tax on all parcels in the City for the privilege of using community park and community park related facilities, programs and services and the availability of such facilities, programs and services. The maximum tax rate imposed hereby shall not exceed Twenty-Eight Dollars (\$28.00) per parcel per year. For purposes of this chapter, "parcel" means a unit of real estate in the City as shown on the most current official assessment role of the Riverside County Assessor.

3.18.090 – Collection of Special Tax. The tax imposed by this chapter shall be due and payable on July 1 of each year, but it may be paid in two (2) installments due no later than the immediately following December 10 and April 10. The tax shall be delinquent if not received on or before the delinquency date set forth in the notice mailed to the address of the owner of the parcel as shown on the most current assessment roll of the Riverside County Tax Collector. The tax authorized under this chapter shall be collected by the Riverside County Tax Collector in accordance with applicable procedures, and the tax may only be included on the annual tax bill sent out by the Riverside County Tax Collector.

3.18.100 – Collection of Unpaid Special Taxes. The amount of any tax imposed on a parcel by this chapter, together with any penalties for nonpayment, shall be deemed a debt to the City. In the event of a delinquency in the payment of any such tax and penalties, the City may bring an action in its name against the owner of the parcel with respect to which the tax is delinquent for collection of the amounts owing. In any such action, the City shall also be entitled to recover its attorneys' fees and costs and administrative expenses.

3.18.110 – Penalty for Nonpayment. A penalty of Five Dollars (\$5.00) is hereby imposed on all taxpayers who fail to pay the tax imposed by this chapter when due. In

addition, if the tax remains unpaid as of July 1 of the following year, an additional penalty of Five Dollars (\$5.00) shall be imposed on all amounts unpaid. Every penalty imposed under the provisions of this chapter shall become a part of the tax herein required to be paid.

3.18.120 – Exemptions. The tax imposed by this chapter shall not apply to the owner of any parcel that is legally exempt therefrom.

3.18.130 – Regulations. The City Council is authorized to promulgate such regulations as it deems necessary in order to implement the provisions of this chapter.

3.18.140 – Amendment. This chapter may not be amended by the City Council to increase the tax imposed hereunder without applicable voter approval. Subject to the foregoing, the City Council may amend this chapter without voter approval to clarify its provisions or to make technical corrections, including conforming the collection provisions of this chapter with applicable State law.

3.18.150 – Severability. If any provision, sentence, clause, section or part of this chapter is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter. It is hereby declared to be the intention of the people of the City of Wildomar, that this chapter would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

3.18.160 – Challenge. Any action to challenge the tax imposed by this chapter shall be brought pursuant to Government Code Section 50077.5 and Code of Civil Procedure Section 860 et seq.

Submitted to the voters at a General Municipal Election consolidated with the Statewide General Election on November 6, 2012, with results declared at a Regular Wildomar City Council Meeting on December 12, 2012 via Resolution No. 2012-44 incorporating certified results from the County of Riverside Registrar of Voters. Results show a majority of voters voted in favor of the Ordinance.

Certified this 12th day of December, 2012.

Debbie A. Lee, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Resolution No. 2012 - 44 was duly adopted at a regular meeting held on December 12, 2012, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Benoit, Mayor Pro Tem Walker, Council Members Cashman, Moore, Swanson

NOES: None

ABSTAIN: None

ABSENT: None

Debbie A. Lee
Debbie A. Lee, CMC
City Clerk
City of Wildomar