

ACTION ALERT

State Ballot Measure Restricting Voters' Input and Local Taxing Authority

***** CITY RESOLUTIONS NEEDED *****

ACTION:

The anti-local control California Business Roundtable measure has qualified for the November 2024 ballot. Cal Cities requests cities **adopt a city resolution to demonstrate how harmful this measure would be to their community and the people of California.**

Send adopted city resolutions to BallotMeasures@calcities.org as soon as possible. *A sample city resolution is attached.*

BACKGROUND

On Feb. 1, 2023, the "Taxpayer Protection and Government Accountability Act," or [AG# 21-0042A1](#), qualified for the November 2024 ballot. This anti-local control measure will decimate vital local and state services to the benefit of wealthy corporations. The measure is sponsored by the California Business Roundtable (CBRT) — the lobbying arm of the largest and wealthiest corporations in California.

Cal Cities, along with a broad coalition of local governments, labor, public safety, education, and infrastructure advocates, strongly oppose this initiative.

SUMMARY

The initiative limits voters' authority, adopts new and stricter rules for raising taxes and fees, and may make it more difficult to hold violators of state and local laws accountable.

Effective date

- All new or increased taxes or fees adopted by the Legislature, a city council, or the local voters after **Jan. 1, 2022**, must comply with the Act's new rules.

State taxes

- All new or increased state taxes will require majority voter approval.

Local taxes

- New requirements for voter approval:
 - when an existing tax is applied to a newly annexed territory.
 - when an existing tax is applied to a new service or product, for example when a utility user tax is applied to a new service.
- All new or increased taxes adopted after Jan. 1, 2022, must include a sunset date.

Fees and charges

- Requires that charges for access, use and rental of government property be “reasonable” such as fees charged for use of government facilities and public works infrastructure to oil companies, utilities, gas companies, cable companies, and other corporations.
- Fees and charges for services and permits may not exceed the “actual cost” of providing the product or service for which the fee is charged. “Actual cost” is the “minimum amount necessary.” Examples include planning services, excavation and encroachment permits, preparation of candidate statement, and permit parking.
- State and cities have burden of proving by “clear and convincing evidence” that a fee/charge is not a tax, that the amount is reasonable, and that it does not exceed the “actual cost.”
- No fee or charge or exaction regulating vehicle miles traveled can be imposed on new development.

Fines and penalties [administrative enforcement of state law and municipal codes]

- May require voter approval of fines and penalties for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties. Examples include nuisance abatement, organic waste reduction requirements, and failure to maintain a vacant property.

Voters

- Local advisory measures are prohibited. No measure may appear on the ballot asking for approval of a general tax that would express the voters' preference for how the tax revenue should be used.
- Overturns *Upland* decision so taxes proposed by initiative are subject to the same rules as taxes placed on the ballot by a city council.
- Voters may not amend a city charter to impose, extend, or increase a tax or fee.

Fiscal

- Puts approximately \$2 billion from fees and charges at risk each year, subject to legal peril.
- Puts approximately \$2 billion of annual tax revenue at risk. Many tax measures approved between 2022-2024 will need to be resubmitted to voters to comply and be reapproved.

TALKING POINTS

Jeopardizes vital local and state services

- This far-reaching measure puts at risk billions of dollars currently dedicated to critical state and local services.
- It could force cuts to fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more.

Undermines voter rights, transparency, and accountability

- This misleading measure changes our Constitution to make it more difficult for local voters to pass measures needed to fund local services and projects.
- It also includes a provision that would retroactively cancel measures that were passed by local voters — effectively undermining the rights of voters to decide for themselves what their communities need.
- It would limit voter input by prohibiting local advisory measures, where voters provide direction to politicians on how they want their local tax dollars spent.

Opens the door for lawsuits, bureaucracy, and red tape that will cost taxpayers and hurt our communities

- The measure would encourage lawsuits, bureaucracy, and red tape that would cost local taxpayers millions — while significantly delaying and stopping investments in vital services.

Gives wealthy corporations a major loophole to avoid paying their fair share — forcing local residents and taxpayers to pay more

- The measure would create new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including local infrastructure and our environment — shifting the burden and making individual taxpayers pay more.

Allows corporations to dodge enforcement when they violate environmental, health, public safety, and other laws

- The deceptive scheme may create new loopholes that make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods.



FOR IMMEDIATE RELEASE

February 2, 2023

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Educators, Nurses, Firefighters, Local Government and Infrastructure Groups Vow to Protect Voters & Vital Local Services from Deceptive Corporate Ballot Measure

California Business Roundtable initiative steals voters' power to determine local priorities, lets corporations evade accountability. Latest poll showed overwhelming opposition from voters

Sacramento, CA – The Alliance for a Better California, League of California Cities, California State Association of Counties, California Special Districts Association, California Alliance for Jobs and the Contract Cities Association joined together to announce strong opposition to the deceptive ballot measure sponsored by the California Business Roundtable (CBRT), the lobbying arm of the largest and wealthiest corporations in California.

The coalition of public safety, education, labor, local government and infrastructure groups are vocalizing their opposition as the California Secretary of State's office announced that the initiative has qualified for the November 2024 ballot.

“Educators, nurses and firefighters won’t allow extreme, irresponsible corporations to threaten our democracy - there’s just too much at stake, from the quality of our children’s education to the air they breathe,” said the **Alliance for a Better California**, an organization that includes SEIU California, the California Teachers’ Association, California Professional Firefighters, California Federation of Teachers, California School Employees Association, California Faculty Association, California Labor Federation and the American Federation of State County and Municipal Employees.

"This deceptive initiative eliminates corporate accountability for the damage they do to our environment, strips voters of the power to set funding priorities for our communities, and drains billions in funding from our schools, public safety, and homelessness response to name just a few. We are going to fight with everything we've got to protect our democracy and our children's future," the **Alliance** continued.

"This is the third attempt by deep-pocketed special interest groups to advance an initiative that undermines the rights of local voters to decide what their communities need and jeopardizes the ability of local governments to deliver essential services," said **League of California Cities Executive Director and CEO Carolyn Coleman**. "It was a bad idea in 2018, it was a bad idea again in 2022. And it will still be a bad idea in 2024."

"Counties continue to oppose this deceptive initiative because it undermines the abilities of voters and locally elected officials to provide critical services. This measure obliterates the constitutional authority of locally elected local governments to determine the right balance between revenue and the degree of local services needed by their communities," said **Graham Knaus, CEO, California State Association of Counties**.

"At this critical time in California's history, our communities cannot afford to do even less than the status quo. Sadly, this initiative would lock us into a race-to-the-bottom. Overcoming challenges like drought, flooding, and wildfire will require all of us to work together and consider the real costs of undermining our future. When we think of the kind of communities we want to leave our children and grandchildren, we are not content to settle for the 'minimum amount necessary' and we are not willing to limit their voice at the ballot box," said **Neil McCormick, Chief Executive Officer, California Special Districts Association**.

"The so-called Taxpayer Protection Act will damage our ability to fund and construct the infrastructure projects that support California's economy. Passage of this measure will mean less safe roads, more congestion and fewer family supporting jobs across the state," said **Michael Quigley, Executive Director, California Alliance for Jobs**.

"If passed, this measure could cause irreparable harm to a city's ability to provide essential services to its residents. This measure is a wolf in sheep's clothing," said **Marcel Rodarte, Executive Director, California Contract Cities Association**.

The CBRT measure would create major new loopholes that allow wealthy corporations to avoid paying their fair share for the impacts they have on our communities, while allowing corporations to evade enforcement when they violate environmental, health, safety, and other state and local laws. It would also significantly restrict the ability of local voters, local governments, and state elected officials to fund critical services like public schools, fire and emergency response, public health, parks, libraries, affordable housing, homeless and mental health services, and public infrastructure. Some of the state's biggest corporations, developers, mega-landlords, and their political committees spent millions of dollars to put the deceptive and self-interested measure before voters.

Steals power from voters

The initiative would steal power away from voters, prohibiting local advisory measures where voters provide direction to politicians on how they want their local tax dollars spent. The measure would make it harder for voters to pass measures needed to fund local services and local infrastructure. It would also retroactively cancel measures already passed by voters, stripping voters of a say in local decisions.

As [Los Angeles Times columnist Michael Hiltzik explained](#), “The so-called Taxpayer Protection and Government Accountability Act is just one more example of how special interests love to claim that they’re getting government off the backs of the people, when their real goal is to saddle up themselves.”

Eliminates corporate accountability

The initiative claims to be about accountability while actually eliminating corporations’ accountability for impacts they have on local infrastructure or damage they do to our air, water, or environment.

Threatens schools, vital services and disaster response

The initiative would force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more. It would also reduce funding for critical infrastructure like streets and roads, public transportation, drinking water, new schools, sanitation, and utilities. During a time when our children are still recovering from the impacts of the pandemic, our state is experiencing a deluge of extreme weather disasters, and homeless residents are perishing on our streets, our communities cannot afford for these vital services to be eliminated.

Strong Voter Opposition

A statewide poll conducted in February 2022 found voters resoundingly rejected the measure, with 54% of voters opposed and only 25% in support. The remaining 21% were undecided.

**List of Coalition Members
(As of 2/14/23)**

Statewide Organizations

League of California Cities
SEIU California
AFSCME California
California Teachers Association
California Professional Firefighters
California Federation of Teachers
California School Employees Association
California Faculty Association
California Labor Federation
California State Council of Laborers
California State Association of Counties
California Special Districts Association
California Contract Cities
California Alliance for Jobs

Cities

Agoura Hills
Albany
Angels Camp
Apple Valley
Artesia
Azusa
Beaumont
Bell Gardens
Beverly Hills
Blue Lake
Brea
Brisbane
Buena Park
Burbank
Burlingame
Carson
Central Valley Division
Chowchilla
Clayton
Colton
Concord
Corte Madera
Cypress
Dinuba
Downey
Dunsmuir
El Cerrito

Fairfield
Fowler
Glendora
Gustine
Hermosa Beach
Highland
Hughson
Indio
Kerman
King City
LA County Division Board
La Palma
Lafayette
Lakeport
Lakewood
Larkspur
Lathrop
Lomita
Long Beach
Los Banos
Madera
Manteca
Marina
Mill Valley
Montebello
Monterey
Monterey Park
Moorpark
Mountain View
Needles
Newman
Norco
Novato
Oakdale
Palm Desert
Paramount
Pico Rivera
Pismo Beach
Placentia
Placerville
Rancho Cucamonga
Redlands

Riverbank
 Rolling Hills Estates
 Salinas
 San Jose
 San Juan Bautista
 San Leandro
 San Pablo
 San Rafael
 Santa Rosa
 Sebastopol
 Selma
 Signal Hill
 South Gate
 South Pasadena
 Stockton
 Sunnyvale
 Torrance
 Tracy
 Truckee
 Tulelake
 Ukiah
 Union City
 Upland
 Vallejo
 Ventura
 Victorville
 Watsonville
 West Hollywood
 West Hollywood
 Williams
 Woodlake
 Woodland
 Yountville
 Yuba City
 Yuba City

Byron-Bethany Irrigation District
 Calaveras Consolidated Fire Protection District
 Cameron Estates Community Services District
 Cazadero Community Services District
 Central Calaveras Fire and Rescue Protection District
 Coachella Valley Public Cemetery District
 Delano Mosquito Abatement District
 Desert RPD
 Discovery Bay Community Services District
 Donner Summit Public Utility District
 Dublin San Ramon Services District
 Durham Irrigation District
 East Bay Regional Park District
 Feather River Recreation and Park District
 Fresno Mosquito and Vector Control District
 Fruitland Ridge Volunteer Fire Protection District
 Gold Mountain Community Services District
 Goleta West Sanitary District
 Grizzly Flats Community Services District
 Groveland Community Services District
 Hamilton Branch Fire District
 Hayward Area Recreation and Park District
 Hidden Valley Lake Community Services District
 Hilton Creek CSD
 Inverness Public Utility District
 Keyes Community Services District
 Linden County Water District
 McKinleyville Community Services District
 Meeks Bay Fire Protection District
 Midway City Sanitary District.
 Monte Vista Water District
 Mt. Shasta Recreation and Parks District
 Mt. View Sanitary District
 Murphys Sanitary District
 Napa county Regional Park and Open Space District
 North County FPD
 North of the River Recreation and Park District
 North Sonoma Coast Fire Protection District
 North Tahoe Fire Protection District
 Novato Fire Protection District
 Oakdale Irrigation District
 Peninsula Fire District
 Pine Grove Community Services District
 Rancho Adobe Fire Protection District

Special Districts

Alameda County Mosquito Abatement District
 Alta Cemetery District
 Antelope Valley Mosquito and Vector Control District
 Artesia Cemetery District
 Bear Mountain Recreation and Park District
 Beaumont-Cherry Valley Recreation and Park District
 Bodega Bay Public Utility District
 Burbank Sanitary District

Rancho Sante Fe Fire Protection District
Resort Improvement District No. 1
Rim of the World Recreation and Park District
Rio Linda Elverta Recreation and Park District
Rio Linda/Elverta Community Water District
Rosamond CSD
Ross Valley Sanitary District
Rowland Water District
Santa Barbara County Chapter of the California Special Districts
Association
Santa Maria Public Airport District
Scotia Community Services District
Silverado Modjeska Recreation and Park District
Silveyville Cemetery District
Soquel Creek Water District
Stallion Springs Community Services District
Stege Sanitary District
Tahoe City Public Utility District
Tamalpais Community Services District
Truckee Sanitary District
Twain Hart Community Services District
Valley Sanitary District
Vandenberg Village Community Services District
Vista Irrigation District
Walnut Valley Water Dist.
Wilton Fire Protection District

Fiscal and Program Effects of Initiative 21-0042A1 on Local Governments

If Initiative 21-0042A1 is placed on the ballot and passed by voters, it will result in:

- Over \$20 billion of local government fee and charge revenues over 10 years placed at heightened **legal peril**. Related public service reductions across virtually every aspect of city, county, special district, and school services especially for drinking water, sewer sanitation, and public health and safety.
- About \$2 billion of revenues each year from fees and charges adopted after January 1, 2021 **subject to legal peril**.¹
- Over \$2 billion dollars of annual revenues from dozens of tax measures approved by voters between January 1, 2022 and the effective date of the act² subject to additional voter approval if not in compliance with the initiative.
- Indeterminable legal and administrative burdens and costs on local government from new and more empowered legal challenges, and bureaucratic cost tracking requirements.
- The delay and deterrence of municipal annexations.
- Substantially higher legal and administrative cost of public infrastructure financing which will delay and deter new residential and commercial development.
- Service and infrastructure declines including in fire and emergency response, law enforcement, public health, drinking water, sewer sanitation, parks, libraries, public schools, affordable housing, homelessness prevention and mental health services.

1. Local Government Taxes and Services Threatened

With regard to taxes, Initiative 21-0042A1:

- Prohibits advisory, non-binding measures as to use of tax proceeds on the same ballot.
 - Voters may be less informed and more likely to vote against measures.
- Eliminates the ability of special tax measures proposed by citizen initiative to be enacted by majority voter approval (*Upland*).³
 - Because the case law regarding citizen initiative special taxes approved by majority vote (*Upland*) is so recent, it is unknown how common these sorts of measures might be in the future. This initiative would prohibit such measures after the effective date of the initiative. Any such measures adopted after January 1, 2022 through the effective date of the Act should it pass would be void a year after the effective date of the initiative.
- Requires that tax measures include a specific duration of time that the tax will be imposed. This seems to require that all tax increases or extensions contain a sunset (end date).
 - This would require additional tax measures to extend previously approved taxes.
- A city charter may not be amended to impose, extend, or increase a tax might interfere with the ability of cities that do not already have such authority in their charters to adopt Property Transfer Taxes.
 - There are no more than a few of these every few years, but it is a valuable tax for those that adopt it.

¹ Assumes fee increases since January 1, 2022 would be subject to possible legal challenge if not adopted in compliance with the Initiative.

² The effective date of the initiative would be sometime in December 2024, the date the California Secretary of State certifies the election results of the November 5, 2024 election.

³ Unlike the initiative 17-0050, this initiative **does not** eliminate that ability of cities and counties to adopt general taxes by majority voter approval.

- Requires that a tax measure adopted after January 1, 2022 and before the effective date of the initiative that was not adopted in accordance with the measure be readopted in compliance with the measure or will be void twelve months after the effective date of the initiative.
 - If past election patterns and elections in 2022 are an indication, over 200 tax measures approving more than \$2 billion annual revenues to support local public services would not be in compliance and would be subject to reenactment. Most will be taxes without a specific end date and special taxes (including parcel taxes). Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, the measures would each require declaration of emergency and unanimous vote of the governing board to be placed on a special election ballot within a year for approval or the tax will be void after that date. I would expect most to succeed, but some will not, in particular citizen initiative majority vote special taxes which would have to meet a higher voter approval threshold to continue.
- Requires voter approval to expand an existing tax to new territory (annexations). This would require additional tax measures and would deter annexations and land development in cities.
 - If a tax is "extended" to an annexed area without a vote after January 1, 2022, it will be void 12 months later until brought into compliance. Because there is no regularly scheduled election within the 12 months following the effective date of the initiative, such extensions would each require unanimous vote of the agency board to be placed on a special election ballot or would be void a year later.

1.a. Number of Measures and Value of Local Taxes at Risk⁴

Over a hundred local measures were approved in 2022 that likely do not comply with the provisions of Initiative 21-0042A1. Nearly \$2 billion of annual revenues from these voter approved measures will cease a year after the effective date of the measure, reducing the local public services funded by these measures. We can expect a similar volume of measures in 2024 and a similar volume of non-compliance. So the combined total of annual local funding directly affected by Initiative 21-0042A1 due to its retroactivity provision is about \$4 billion.

Citizen Initiative Special Taxes in 2022.

Special taxes placed on the ballot by citizen initiative and approved after January 1, 2022 by a majority but less than two-thirds of the voters are out of compliance with Initiative 21-0042A1.

On June 7, 2022, there were three local special tax measures placed on the ballot by citizen initiative. Two failed to get majority voter approval. A one percent transactions and use tax (sales tax) for the John C. Fremont Healthcare District in Mariposa County received 69.6 percent approval, over the two thirds needed for any special tax under California Constitution Article XIII C. So this measure was passed in compliance with Initiative 21-0042A1.

June 2022 Initiative Special Taxes - majority voter approval

<u>Agency Name</u>	<u>County</u>	<u>Tax/Fee</u>	<u>Rate</u>	<u>Estimated Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>	
John C. Fremont Healthcare District	Mariposa	Measure N Transactions & Use Tax	1 cent	\$ 150,000	hospital	40yrs	69.6%	PASS
County of Kings	Kings	Measure F Transactions & Use Tax	1/2 cent	\$ 11,700,000	fire	none	37.6%	FAIL
Manhattan Beach USD	Los Angeles	Measure A School Parcel Tax	\$1095/yr	\$ 12,000,000	schools	12yrs	31.2%	FAIL

On November 8, 2022, there were 14 local special taxes placed on the ballot by citizen initiative. Seven of these

⁴ Source: Compilation and summary of data from County elections offices.

measures failed with less than majority voter approval. The other seven measures received majority, but less than two-thirds, voter approval. These measures passed under current law but are out of compliance with Initiative 21-0042A1. Taken together these seven taxes will provide estimated annual revenues of **from \$900,000 to \$1.4 billion** in support of parks and recreation, zoo, library, affordable housing, transportation, homelessness prevention, and schools in these communities.

November 2022 Initiative Special Taxes - majority voter approval

<u>Agency Name</u>	<u>County</u>	<u>Tax/Fee</u>	<u>Rate</u>	<u>Estimated Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>
Crockett Community Services District	Contra Costa	Measure L Parcel Tax	\$50/parcel	\$ 60,000	parks/recre	none	62.8% PASS
Oakland	Alameda	Measure Y Parcel Tax	\$68/parcel	\$ 12,000,000	zoo	20yrs	62.5% PASS
County of Mendocino		Measure O Transactions & Use Tax	1/8 cent then 1/4 cent in 2027	\$ 4,000,000	library	none	60.8% PASS
Los Angeles	Los Angeles	Measure ULA Property Transfer Tax	4% if >\$5m, 5.5% if >\$10m	\$600 m to \$1.1 b	affordable housing	none	57.3% PASS
County of Sacramento		Measure A Transactions & Use Tax	same 1/2 cent	\$ 212,512,500	transportati	40yrs	55.3% PASS
San Francisco		Proposition M Business Operations Tax	\$2500-\$5000/vacant resid unit	\$ 20,000,000	housing	30yrs	54.5% PASS
Santa Monica	Los Angeles	Measure GS Property Transfer Tax	\$56/\$1000 if >\$8m	\$ 50,000,000	schools, homelessne ss, afford. housing	none	53.3% PASS
				Total \$900,000 to \$1.4 billion			

<u>Agency Name</u>	<u>County</u>	<u>Tax/Fee</u>	<u>Rate</u>	<u>Estimated Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>
County of Calaveras		Measure A Transactions & Use Tax	1 cent	\$ 5,000,000	fire	none	49.4% FAIL
South San Francisco (for Schools)	San Mateo	Measure DD School Parcel Tax	\$2.50/sf	\$ 55,900,000	schools	none	47.2% FAIL
County of Fresno (for CSU)		Measure E Transactions & Use Tax	1/5 ct, 1/40 ct (Reedley)	\$ 36,000,000	Calif State Univ	20yrs	46.9% FAIL
Santa Cruz	Santa Cruz	Measure N Parcel Tax	\$6k/vacant SFU	xxx	vacant property	xxx	44.2% FAIL
County of Monterey		Measure Q Parcel Tax	\$49/parcel	\$ 5,500,000	childcare	10yrs	41.1% FAIL
San Francisco City College	San Francisco	Measure O School Parcel Tax	\$150/sfu	\$ 37,000,000	schools	10yrs	36.7% FAIL
Morro Bay	San Luis Obispo	Measure B Parcel Tax	\$120+/parcel	\$ 680,000	harbor	none	36.0% FAIL
Inverness Public Utility District	Marin	Measure O Parcel Tax	\$0.20/sf, \$150/vacant	\$ 276,000	fire	none	27.0% FAIL

Non-Specific Tax Durations in 2022

Voters approved 106 measures in June 2022 (10) and November 2022 (96) that do not provide a specific duration of time that the tax will be imposed (end date). Typically, the ballot titles for these measures state that the tax would be imposed "until ended by voters." Four of these measures also did not include any estimate of the annual revenues that the tax would generate, another violation of initiative 21-0042A1. Taken together, these approved local measures generate **\$561 million per year** that will expire a year after the effective date of the initiative if Initiative 21-0042A1 passes.

Measures in 2022 with Non-Specific Durations

<u>Agency Name</u>	<u>County</u>	<u>Tax/Fee</u>	<u>Rate</u>	<u>Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>	
Oakland	Alameda	Measure T Business Tax General	various	\$ 20,900,000		none	71.4%	PASS
Culver City	Los Angeles	Measure BL Business Tax General	various	\$ 10,000,000		none	60.5%	PASS
El Segundo	Los Angeles	Measure BT Business Tax General	various	\$ 3,000,000		none	51.2%	PASS
Pico Rivera	Los Angeles	Measure AB Business Tax General	various	\$ 5,800,000		none	75.5%	PASS
Santa Ana	Orange	Measure W Business Tax General	various	neutral		none	64.8%	PASS
Tracy	San Joaquin	Measure B Business Tax General	various	\$ 3,200,000		none	72.6%	PASS
Burlingame	San Mateo	Measure X Business Tax General	various	\$ 2,500,000		none	75.1%	PASS
Los Gatos	Santa Clara	Measure J Business Tax General	various	\$ 1,100,000		none	53.4%	PASS
Santa Clara	Santa Clara	Measure H Business Tax General	\$45/employee, \$15/rental unit	\$ 6,000,000		none	59.5%	PASS
Brisbane	San Mateo	Measure O Business Tax lodging busn	\$2.50/rm/day	\$ 250,000		none	69.2%	PASS
East Palo Alto	San Mateo	Measure L Business Tax resid. rentals	2.5% gross Rcpts	\$ 1,480,000		none	69.9%	PASS
County of Santa Cruz Unincorporated		Measure C Busn Tax-disp cups	12.5cents/cup	\$ 700,000		none	68.2%	PASS
South Lake Tahoe	El Dorado	Measure G Busn Tax Cannabis	6% retail, manufacturing	\$ 950,000		none	62.9%	PASS
McFarland	Kern	Measure O Busn Tax Cannabis	8% of gross receipts retail,	\$ 1,800,000		none	63.5%	PASS
Avenal	Kings	Measure C Busn Tax Cannabis	\$25+/sf or 15% gr rcpts	\$ 600,000		none	61.8%	PASS
Baldwin Park	Los Angeles	Measure CB Busn Tax Cannabis	4% gross Rcpts	\$ 300,000		none	51.3%	PASS
Claremont	Los Angeles	Measure CT Busn Tax Cannabis	4%-7% gr rcpts, \$1-	\$ 500,000		none	61.1%	PASS
County of Los Angeles Unincorporated		Measure C Busn Tax Cannabis	4% gross receipts retail,	\$ 15,170,000		none	60.1%	PASS
Cudahy	Los Angeles	Measure BA Busn Tax Cannabis	15% gross Rcpts	\$ 3,600,000		none	54.0%	PASS
El Segundo	Los Angeles	Measure Y Busn Tax Cannabis	10% Gross Rcpt,	\$ 1,500,000		none	72.8%	PASS
Hermosa Beach	Los Angeles	Measure T Busn Tax Cannabis	10% Gross Rcpt,	\$ 1,500,000		none	67.6%	PASS
Lynwood	Los Angeles	Measure TR Busn Tax Cannabis	5%to 10%	\$ 3,000,000		none	66.4%	PASS
Santa Monica	Los Angeles	Measure HM Busn Tax Cannabis	10% gross Rcpts	\$ 5,000,000		none	66.4%	PASS
South El Monte	Los Angeles	Measure CM Busn Tax Cannabis	6% special excise tax on	\$ 126,000		none	53.7%	PASS
Monterey	Monterey	Measure J Busn Tax Cannabis	6% gross Rcpt	\$ 1,300,000		none	65.2%	PASS
Pacific Grove	Monterey	Measure N Busn Tax Cannabis	6% gross Rcpt	\$ 300,000		none	70.8%	PASS
Huntington Beach	Orange	Measure O Busn Tax Cannabis	6% retail, 1% other	\$ 600,000		none	54.7%	PASS

Measures in 2022 with Non-Specific Durations

<u>Agency Name</u>	<u>County</u>	<u>Tax/Fee</u>	<u>Rate</u>	<u>Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>	
Laguna Woods	Orange	Measure T	Busn Tax Cannabis	4%-10% of gross receipts	\$ 750,000		none	61.1% PASS
Corona	Riverside	Measure G	Busn Tax Cannabis	9% of gross receipts for	\$ 5,000,000		none	61.6% PASS
Montclair	San Bernardino	Measure R	Busn Tax Cannabis	7% gross Rcpts	\$ 3,500,000		none	70.3% PASS
County of San Diego Unincorporated		Measure A	Busn Tax Cannabis	6% retail, 3% distribution,	\$ 5,600,000		none	57.4% PASS
Encinitas	San Diego	Measure L	Busn Tax Cannabis	4% to 7% of gross receipts	\$ 1,400,000		none	65.1% PASS
Healdsburg	Sonoma	Measure M	Busn Tax Cannabis	8% gross Rcpt	\$ 500,000		none	72.7% PASS
Exeter	Tulare	Measure B	Busn Tax Cannabis	10% retail and other, \$10/sf	?		none	66.5% PASS
Tulare	Tulare	Measure Y	Busn Tax Cannabis	10% retail and other, \$10/sf	?		none	65.2% PASS
Woodland	Yolo	Measure K	Busn Tax Cannabis	10% gross Rcpts	?		none	66.2% PASS
Redlands	San Bernardino	Measure J	Busn Tax Distrib centers	from \$0.047/sf to \$0.105/sf	\$ 530,000		none	53.5% PASS
Arcadia	Los Angeles	Measure SW	Busn Tax Sports Betting	5% gross Rcpts	n/a*		none	63.9% PASS
Albany	Alameda	Measure K	ParcelTax	\$0.074+/sf	\$ 1,950,000	fire/EMS	none	76.0% PASS
Cameron Park Airport District	El Dorado	Measure J	ParcelTax	by \$600 to \$900/parcel	\$ 117,900	airport/streets	none	78.2% PASS
Highlands Village Lighting Benefit Zone	El Dorado	Measure L	ParcelTax	\$140+/parcel	\$ 10,920	streets	none	86.3% PASS
Knolls Property Owners CSD	El Dorado	Measure P	ParcelTax	by \$300+ to \$600+/parcel	\$ 8,400	streets	none	75.5% PASS
Sundance Trail Zone of Benefit	El Dorado	Measure C	ParcelTax	\$600+/yr	\$ 24,000	roads	none	73.2% PASS
South Pasadena	Los Angeles	Measure LL	ParcelTax	xxx	?	library	none	86.2% PASS
River Delta Fire District	Sacramento	Measure H	ParcelTax	\$90/yr	\$ 130,000	fire	none	72.1% PASS
Emeryville	Alameda	Measure O	PropTransfTax	\$15/\$1000 if \$1m-\$2m,	\$ 5,000,000		none	71.6% PASS
San Mateo	San Mateo	Measure CC	PropTransfTax	by 1% to 1.5% if >\$10m	\$ 4,800,000		none	71.8% PASS
Alameda	Alameda	Measure F	TOT	by 4% to 14%	\$ 910,000		none	59.2% PASS
Clovis	Fresno	Measure B	TOT	by 2% to 12%	\$ 500,000		none	69.7% PASS
Kerman	Fresno	Measure G	TOT	10%	\$ 40,000		none	62.3% PASS
Trinidad	Humboldt	Measure P	TOT	by 4% to 12%	\$ 65,000		none	77.6% PASS
Imperial	Imperial	Measure G	TOT	by 4% to 12%	\$ 600,000		none	56.2% PASS
Arcadia	Los Angeles	Measure HT	TOT	by 2% to 12%	\$ 730,000		none	54.1% PASS
Santa Monica	Los Angeles	Measure CS	TOT	by 1%, 3% home shares	\$ 4,100,000		none	73.7% PASS

Notes

?= Ballot measure title did not include an estimate of annual revenues, also not in compliance with Initiative 21-0042A1.

n/a*= Arcadia Measure SW passed but sports betting remains illegal after the failure of Propositions 26 and 27 on the November statewide ballot.

Measures in 2022 with Non-Specific Durations

<u>Agency Name</u>	<u>County</u>	<u>Tax/Fee</u>	<u>Rate</u>	<u>Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>
Anaheim	Orange	Measure J	TOT	online travel companies	\$ 3,000,000	none	59.2% PASS
La Palma	Orange	Measure P	TOT	by 4% to 12%	\$ 200,000	none	71.1% PASS
Colfax	Placer	Measure B	TOT	by 2% to 10%	\$ 29,000	none	73.5% PASS
Rocklin	Placer	Measure F	TOT	by 2% to 10%	\$ 300,000	none	59.8% PASS
Roseville	Placer	Measure C	TOT	by 4% to 10%	\$ 3,000,000	none	73.0% PASS
Big Bear Lake	San Bernardino	Measure P	TOT	by 2% to 10%	\$ 1,300,000	none	54.4% PASS
Grand Terrace	San Bernardino	Measure M	TOT	new 10%	\$ 250,000	none	51.9% PASS
Yucca Valley	San Bernardino	Measure K	TOT	by 5% to 12%	\$ 1,300,000	none	71.9% PASS
Imperial Beach	San Diego	Measure R	TOT	by 4% to 14%	\$ 400,000	none	67.4% PASS
El Paso de Robles	San Luis Obispo	Measure F	TOT	by 1% to 11%	\$ 750,000	none	61.2% PASS
Belmont	San Mateo	Measure K	TOT	by 2% to 14%	\$ 600,000	none	79.3% PASS
Millbrae	San Mateo	Measure N	TOT	by 2% to 14%	\$ 1,500,000	none	75.8% PASS
County of Humboldt Unincorporated		Measure J	TOT	by 2% to 12%	\$ 3,080,000	none	63.3% PASS
County of Placer - North Tahoe TOT Area		Measure A	TOT	by 2% to 10%	\$ 4,000,000	none	90.0% PASS
County of Santa Cruz Unincorporated		Measure B	TOT	by 1% to 12%	\$ 2,300,000	none	69.2% PASS
County of El Dorado - East Slope Tahoe		Measure S	TOT 2/3	by 4% to 14%	\$ 2,500,000	none	81.8% PASS
Chico	Butte	Measure H	TrUT	1 cent	\$ 24,000,000	none	52.4% PASS
Mendota	Fresno	Measure H	TrUT	1.25 cent	\$ 493,498	none	57.2% PASS
Blue Lake	Humboldt	Measure R	TrUT	1 cent	\$ 30,000	none	55.4% PASS
Rio Dell	Humboldt	Measure O	TrUT	3/4cent	\$ 400,000	none	53.3% PASS
County of Kern unincorporated areas		Measure K	TrUT	1 cent	\$ 54,000,000	none	50.8% PASS
McFarland	Kern	Measure M	TrUT	1 cent	\$ 579,662	none	62.2% PASS
Tehachapi	Kern	Measure S	TrUT	1 cent	\$ 4,000,000	none	57.2% PASS
Avenal	Kings	Measure A	TrUT	1 cent	\$ 500,000	none	72.5% PASS
Susanville	Lassen	Measure P	TrUT	1 cent	\$ 1,750,000	none	54.7% PASS
Baldwin Park	Los Angeles	Measure BP	TrUT	3/4 cent	\$ 6,000,000	none	58.1% PASS
Malibu	Los Angeles	Measure MC	TrUT	1/2 cent	\$ 3,000,000	none	52.6% PASS
Monterey Park	Los Angeles	Measure MP	TrUT	3/4 cent	\$ 6,000,000	none	58.5% PASS
Torrance	Los Angeles	Measure SS1	TrUT	1/2 cent	\$ 18,000,000	none	55.0% PASS
Larkspur	Marin	Measure G	TrUT	1/4 cent	\$ 700,000	none	59.4% PASS
Sand City	Monterey	Measure L	TrUT	by 1/2cent to 1.5cents	\$ 1,400,000	none	68.7% PASS
Hemet	Riverside	Measure H	TrUT	same 1 cent	\$ 15,000,000	none	58.0% PASS
Elk Grove	Sacramento	Measure E	TrUT	1 cent	\$ 21,000,000	none	54.1% PASS
Galt	Sacramento	Measure Q	TrUT	1 cent	\$ 3,600,000	none	52.4% PASS
Colton	San Bernardino	Measure S	TrUT	1 cent	\$ 9,500,000	none	66.8% PASS
Ontario	San Bernardino	Measure Q	TrUT	1 cent	\$ 95,000,000	none	53.2% PASS
Solana Beach	San Diego	Measure S	TrUT	1 cent	\$ 3,000,000	none	66.7% PASS
Brisbane	San Mateo	Measure U	TrUT	1/2 cent	\$ 2,000,000	none	63.9% PASS
Goleta	Santa Barbara	Measure B	TrUT	1 cent	\$ 10,600,000	none	64.7% PASS
Solvang	Santa Barbara	Measure U	TrUT	1 cent	\$ 1,600,000	none	63.1% PASS

Measures in 2022 with Non-Specific Durations

<u>Agency Name</u>	<u>County</u>	<u>Tax/Fee</u>	<u>Rate</u>	<u>Annual Revenue</u>	<u>Use</u>	<u>Sunset</u>	<u>YES%</u>
Watsonville	Santa Cruz	Measure R	TrUT	1/2 cent	\$ 5,000,000	none	64.4% PASS
Vallejo	Solano	Measure P	TrUT	7/8 cent	\$ 18,000,000	none	54.7% PASS
Modesto	Stanislaus	Measure H	TrUT	1 cent	\$ 39,000,000	none	62.8% PASS
County of Colusa		Measure A	TrUT 2/3	1/2 cent	\$ 2,400,000	EMS	none 69.4% PASS
Atwater	Merced	Measure B	TrUT 2/3	same 1 cent	\$ 4,000,000	police/fire	none 73.7% PASS
Truckee	Nevada	Measure U	TrUT 2/3	by 1/4 cent to 1/2 cent	\$ 3,000,000	open space / trails	none 76.4% PASS
Palo Alto	Santa Clara	Measure L	UtilityTransfer	18% gas	\$ 7,000,000	none	77.7% PASS
Santa Clara	Santa Clara	Measure G	UtilityTransfer	5 %	\$ 30,000,000	none	84.2% PASS
Hercules	Contra Costa	Measure N	UUT	8%	\$ 3,600,000	none	69.3% PASS
Carson	Los Angeles	Measure UU	UUT	2% electr, gas	\$ 8,000,000	none	78.4% PASS
Sebastopol	Sonoma	Measure N	UUT	3.75% (same)	\$ 700,000	none	83.5% PASS

Co-temporal Advisory Measures in 2022

At the November 2022 election, there was just one local general tax measure that was accompanied by an advisory measure as to the use of funds. The City of Santa Monica's Measure DT property transfer tax failed with just 34 percent approval as voters instead chose the citizen initiative Measure GS.

There was also just one such tax use advisory measure on the June 2022 election. Susanville's voters passed Measure P, a 1 percent transactions and use (sales) tax that generates \$1.75 million per year⁵ for general city services. The measure was accompanied by advisory Measure Q, accompanied the city's It asked, "If Measure P passes, should the revenues be used to balance the budget to maintain and enhance existing public safety services (police and fire), and provide funding to support street infrastructure improvements and provide funding to support economic development efforts designed to increase businesses, jobs and visitors to Susanville?" Both measures passed. Under Initiative 21-0042A1, the tax will expire a year after the effective date of the initiative (i.e., in December 2025).

1.b. Additional Costs and Public Service Effects of the Tax Provisions

Assuming a similar volume of local measures through 2024 as we saw in 2022, there will be over 200 local measures that will need to be redrafted to comply with the Initiative and placed back on the ballot for the taxes to continue after December 2025. The costs of re-drafting, re-placing and re-voting on these measures, previously legally approved by voters, will be in the tens of millions in total statewide.

2. "Exempt Charges" (fees and charges that are not taxes) and Services Threatened

With regard to fees and charges adopted after January 1, 2022, Initiative 21-0042A1:

- Subjects new fees and charges for a product or service to a new "actual and reasonable test."
- Subjects fees and charges for entrance to local government property; and rental and sale of local government property to a new, undefined, "reasonable" test.
- Allows legal challenge to any tax adopted before the effective date of the initiative and after January 1,

⁵ The Susanville measure also did not include a specific end date and so is included in the list and totals of those measures.

2022. Such a lawsuit could enjoin (stop) the enactment of the tax pending the outcome of the legal challenge.

- Subjects a challenged fee to new, higher burdens of proof if legally challenged.

2.a. Value on New Local Government Fees and Charges at Risk⁶

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies and increases in those fees simply to accommodate inflation, the amount of local government fee and charge revenue placed at risk is about **\$2 billion per year including those adopted since January 1, 2022. Of \$2 billion, about \$900 million (45 percent) is for special districts, \$800 million (40 percent) is cities, and \$300 million (15 percent) is counties.**⁷

Major examples of affected fees and charges are:

1. Certain water, sanitary sewer, wastewater, garbage, electric, gas service fees.
2. Nuisance abatement charges - such as for weed, rubbish and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
3. Emergency response fees - such as in connection with DUI.
4. Advanced Life Support (ALS) transport charges.
5. Business improvement district charges.
6. Fees for processing of land use and development applications such as plan check fees, use permits, design review, environmental assessment, plan amendment, subdivision map changes.
7. Document processing and duplication fees.
8. Facility use charges, parking fees, tolls.
9. Fines, penalties.
10. Fees for parks and recreation services.

2.b. Additional Costs and Public Service Effects of the Fee/Charge Provisions

In addition to service delays and disruptions due to fee and charge revenues placed at greater legal risk, there would be substantial additional costs for legal defense. The risk to fees and charges will make infrastructure financing more difficult and will deter new residential and commercial development.

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⁶ Source: California State Controller Annual Reports of Financial Transactions concerning cities, counties and special districts, summarized with an assumed growth due to fee rate increases (not population) of 2 percent annually.

⁷ School fees are also affected but the amount is negligible by comparison.

Business Roundtable Board

<p>Aera Energy Albertsons Altria (tobacco) Anthem Blue Cross Automobile Club of Southern California Bittle Enterprises (Enterprise Rent-a-car) Blackstone Caruso Management (Rick Caruso) Chevron C.J. Segerstrom & Sons Dart Container DLA Piper (Law Firm) Douglas Emmett Eli Lilly & Company Exxon Farmers Group (Insurance) Fivepoint (Developer) Global Medical Response Solution Grimmway Farms Irvine Company KB Homes</p>	<p>Kilroy Realty LevatoLaw Majestic Realty Marathon Petroleum Corp. McKinsey & Company National CORE PepsiCo PhRMA Sempra State Farm Sutter Health Union Pacific Railroad United Airlines UPS Valero Western National Group Wells Fargo Wellpoint (insurance) Western National Group</p>
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Sample Resolution to Oppose Initiative 21-0042A1

WHEREAS, an association representing California's wealthiest corporations and developers is spending millions to push a deceptive proposition aimed for the November 2024 statewide ballot; and

WHEREAS, the measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including local infrastructure and our environment; and

WHEREAS, the measure may make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

WHEREAS, the measure puts billions of dollars currently dedicated to local services at risk and could force cuts to fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more; and

THEREFORE, BE IT RESOLVED that the **City/Town of [NAME]** opposes Initiative 21-0042A1;

BE IT FURTHER RESOLVED, that the **City/Town of [NAME]** will join the No on Initiative 21-0042A1 coalition, a growing coalition of public safety, education, labor, local government, and infrastructure groups throughout the state.

We direct staff to email a copy of this adopted resolution to the League of California Cities at BallotMeasures@calcities.org.

PASSED, APPROVED, AND ADOPTED this day ____ of ____, 2023.