

## **RESOLUTION NO. 09-22**

### **A RESOLUTION AUTHORIZING THE TOWN ATTORNEY OF THE TOWN OF PARADISE TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY THE STATE GOVERNMENT OF THE TOWN'S STREET MAINTENANCE FUNDS.**

**WHEREAS**, the current economic crisis has placed cities under incredible financial pressure and caused them to make painful budget cuts, including layoffs and furloughs of city workers, decreasing maintenance and operations of public facilities, and reductions in direct services to keep spending in line with declining revenues; **AND**

**WHEREAS**, since the early 1990's the state government of California has seized over 10 billion of city property tax revenues statewide, now amounting to over 900 million each year, to fund the state budget even after deducting public safety program payments to cities by the state; **AND**

**WHEREAS**, in his proposed FY 2009-10 budget the Governor has proposed transferring one billion dollars of local gas taxes and weight fees to the state general fund to balance the state budget, and over 700 million in local gas taxes permanently in future years, immediately jeopardizing the ability of the Town to maintain the Town's streets, culverts, traffic signals, streetlights, sidewalks and related traffic safety facilities for the use of the motoring public; **AND**

**WHEREAS**, the loss of almost all of the Town's gas tax funds will seriously compromise the Town's ability to perform critical traffic safety related street maintenance, including but not limited to, drastically curtailing patching, resurfacing, street lighting/traffic signal maintenance, payment of electricity costs for street lights and signals, culvert/storm drainage system maintenance and repair, sidewalk and curb ramp maintenance and repair, and more; **AND**

**WHEREAS**, some cities report to the League of California Cities that they will be forced to eliminate part or all of their street maintenance operations while others will be forced to cut back in other areas (including public safety staffing levels) to use city general funds for basic street repair and maintenance. Furthermore, cities expect that liability awards will mount as basic maintenance is ignored, and traffic accidents, injuries and deaths increase; **AND**

**WHEREAS**, in both Proposition 5 in 1974 and Proposition 2 in 1998 the voters of our state overwhelmingly imposed restriction on the state's ability to do what the Governor has proposed, and any effort to permanently divert the local share of the gas tax would violate the state constitution and the will of the voters; **AND**

**WHEREAS**, cities and counties maintain 81% of the state road network while the state directly maintains just 8%; **AND**

**WHEREAS**, ongoing street maintenance is a significant public safety concern. A city's failure to maintain its street pavement (pothole filling, sealing, overlays, etc), traffic signals, signs and street lights has a direct correlation to traffic accidents, injuries and deaths; **AND**

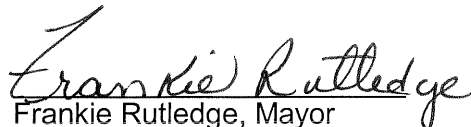
**WHEREAS**, according to a recent statewide needs assessment on a scale of zero (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 68, or “at risk”. Local streets and roads will fall to “poor” condition (score of 48) by 2033 based on existing funding levels available to cities and counties.

**NOW, THEREFORE**, the Town Council of the Town of Paradise resolves as follows:

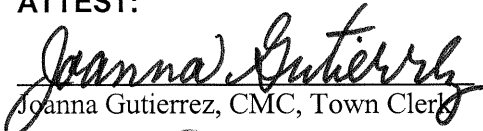
- Section 1. The Town Attorney is hereby directed to take all necessary steps to cooperate with the League of California Cities, other cities and counties in supporting litigation against the state of California, if the legislature enacts and the governor signs into law legislation that unconstitutionally diverts the Town’s share of the funding from the Highway Users Tax Account (HUTA), also known as the “gas tax”, to fund the state general fund.
- Section 2. The Town Manager or Town Clerk shall send this resolution with an accompanying letter from the Mayor to the Governor and each legislator, informing them in the clearest of terms of the Town’s adamant resolve to oppose any effort to frustrate the will of the electorate as expressed in Proposition 5 (1974) and Proposition 8 (1998) concerning the proper use and allocation of the gas tax.
- Section 3. A copy of this Resolution shall be sent by the Town Manager or Town Clerk to the League of California Cities, the local chamber of commerce, and other community groups whose members are affected by this proposal to create unsafe conditions on the streets of Paradise for our pedestrians, bicyclists and motorists.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise this 23<sup>rd</sup> day of June, 2009, by the following vote:

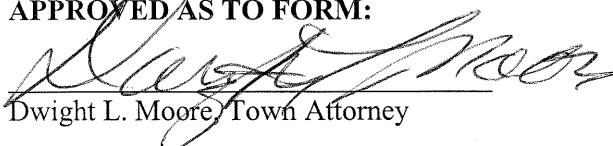
<b>AYES:</b>	Steve "Woody" Culleton, Scott Lotter, Alan White and Frankie Rutledge, Mayor
<b>NOES:</b>	None
<b>ABSENT:</b>	Joe DiDuca
<b>NOT VOTING:</b>	None

  
Frankie Rutledge, Mayor

**ATTEST:**

  
Joanna Gutierrez, CMC, Town Clerk

**APPROVED AS TO FORM:**

  
Dwight L. Moore, Town Attorney