



**CITY COUNCIL SPECIAL AND REGULAR MEETING
AGENDA
JUNE 4, 2024**

SPECIAL MEETING: 6:00 P.M. – 7:00 P.M
REGULAR MEETING: 7:00 P.M.

WE ENCOURAGE ALL MEMBERS OF THE PUBLIC TO PARTICIPATE IN THE MEETING VIA TELECONFERENCE BY CALLING (520) 525-8911. ANY MEMBER OF THE PUBLIC PARTICIPATING VIA TELECONFERENCE WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

ADDITIONALLY, THE REGULAR MEETING WILL BE STREAMED ON YOUTUBE LIVE
https://www.youtube.com/channel/UCB_ZmQZIHlHh-ECEPZ2VwZg

Notice is hereby given that the City Council will hold a Special and Regular Meeting on June 4, 2024, at the City Council Chambers, 663 Main Street, Livingston, California. Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons requesting accommodation should contact the Deputy City Clerk at least 24 hours prior to this meeting at (209) 394-8041, Ext. 121. Any writings or documents pertaining to an Open Session item provided to a majority of the members of the legislative body less than 72 hours prior to the meeting shall be made available for public inspection by email if requested. Public comments can be submitted via email at citycouncil@livingstoncity.com. Comments must be received by 2:00 p.m. on the day of the City Council meeting in order for them to be distributed to the Council prior to consideration of the matter. You will need to provide: Meeting date, item number, name, email and comment (please limit to 300 words or 3 minutes). Please include: PUBLIC COMMENT in the subject for the email. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt by 4:00 p.m., please call the City Clerk's Office at (209) 394-8041, Ext. 121 (Note: This technology is not a guaranteed method).

SPECIAL MEETING

1. Call to Order
2. Roll Call
3. Pledge of Allegiance.
4. Moment of Silence – First Responders and Military Members.
5. Citizen Comments

CLOSED SESSION

*A “Closed” or “Executive” Session of the City Council or the Successor Agency to the Redevelopment Agency of the City of Livingston may be held in accordance with state law which may include, but is not limited to, the following types of items: personnel matters, labor negotiations, security matters, providing instructions to real property negotiators, conference with legal counsel regarding pending litigation. The Closed Session will be held in the City Council Chambers located at 663 Main Street, Livingston, California. **Any public comment on Closed Session items will be taken before the Closed Session.** Any required announcements or discussion of Closed Session items or actions following the Closed Session will be made in the City Council Chambers, 633 Main Street, Livingston, California.*

6. Conference with Labor Negotiator
(Government Code Section 54957.6)
Labor Negotiator: Christopher Lopez, Interim City Manager
Employee Organizations:
OE3- Clerical Bargaining Unit
OE3 - Police Supervisory Employees Association.
OE3 - Management/Confidential Bargaining Unit
OE3 - Livingston Police Officer Association
AFSCME- Public Works and Park Unit

REGULAR MEETING

CALL TO ORDER

Pledge of Allegiance.

Moment of Silence – First Responders and Military Members.

Roll Call.

Closed Session Announcement.

Changes to the Agenda.

Next Resolution No.: 2024-30
Next Ordinance No.: 655

CITIZEN COMMENTS

This section of the agenda allows members of the public to address the City Council on any item NOT on the agenda. Members of the public, when recognized by the Mayor, should come forward to the lectern, and identify themselves. Comments are normally limited to three (3) minutes. In accordance with State Open Meeting Laws, no action will be taken by the City Council this evening.

AWARD, PRESENTATIONS, PROCLAMATIONS

1. Presentation by Mayor Moran: Proclamation Recognizing the Week of May 12-18, 2024, as National Police Week and May 15, 2024, as Peace Officer Memorial Day.
2. Presentation by George Nassar, Public Opinion Strategies: Livingston Sales Tax Polling Update.

ANNOUNCEMENTS AND REPORTS

Supervisor Rodrigo Espinoza Announcements and Reports.

City Staff Announcements and Reports.

- Mario Gouveia, City Engineer – Engineering Department Update.
- John Ramirez, Acting Chief of Police – Police Department Update.

City Manager Announcements and Reports.

City Council Members' Announcements and Reports.

Mayor's Announcements and Reports.

Vacant

- City Council Alternate Liaison - Parks, Recreation and Arts Commission – **Vacant**
- Merced Integrated Regional Water Management Plan (MIRWMA) – **Vacant, Representative and Jason Roth, Alternate Representative.**
- Central Valley Division League of California Cities – **Maria Soto, Representative and Vacant, Alternate.**

Jason Roth

- City Council Liaison - Livingston Planning Commission – **Jason Roth**
- Special City Selection Committee of the San Joaquin Valley Air Pollution Control Board – **Jason Roth, Representative and Gurpal Samra, Alternative.**
- Merced Integrated Regional Water Management Plan (MIRWMA) – **Vacant, Representative and Jason Roth, Alternate Representative.**

Maria Soto

- Merced County Local Agency Formation Commission (LAFCO) – **Maria Soto, Representative.**
- Central Valley Division League of California Cities – **Maria Soto, Representative and Jason Roth, Alternate.**

Gurpal Samra

- Merced County Mosquito Abatement District Board of Directors – **Gurpal Samra, Representative and Jason Roth, Alternate.**

Jose Moran

- Merced County Association of Governments (MCAG) Governing Board – **Jose Moran, Representative and Gurpal Samra, Alternate.**
- City Council Liaison - Parks, Recreation and Arts Commission – **Jose Moran.**
- Utility Stakeholders Committee – **Jose Moran and Gurpal Samra.**

CONSENT AGENDA

Items on the Consent Calendar are considered routine or non-controversial and will be enacted by one vote, unless separate action is requested by a member of the public, the City Manager or City Council Member. There will be no separate discussion of these items unless members of the public, City Council or City Manager request that specific items be removed. Public comment on consent agenda items shall be limited to three (3) minutes per-person regardless of the number of items contained within the consent agenda.

3. City Treasurer’s Investment Report for the Month Ending April 30, 2024.
4. Consideration of an Ordinance of the City Council of the City of Livingston Repealing and Replacing a Portion of Chapter 2 of Title 2 of the Livingston Municipal Code Pertaining to the Planning Commission. Staff Recommendation: Waive the Second Reading of the Ordinance by Title Only, Open the Public Comment, Close the Public Comments and Adopt the Ordinance as Presented.
5. Consideration of a Resolutions Calling and Giving Notice of the Holding of a General Municipal Election on Tuesday, November 5, 2024, for the Election of the Mayor, Two (2) Council Members, a City Clerk, and City Treasurer as Required by the Provisions of the Laws of the State of California Relating to General Law Cities; and Resolution Requesting the Board of Supervisors of the County of Merced Consolidate a General Municipal Election to be Held on November 5, 2024, with the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Elections Code. Staff Recommendation: Approve Resolution.
6. Consideration of a Resolution Approving the City of Livingston Fiscal Year 2024/2025 List of Eligible Projects for Funding from the Road Maintenance and Rehabilitation Account (RMRA) Created by Senate Bill (SB) 1 Road Repair and Accountability Act of 2017, and Authorizing the City Manager to File with the California Transportation Commission the Project List and Annual Expenditure Report for Fiscal Year 2024/2025 RMRA Funding. Staff Recommendation: Approve Resolution.

DISCUSSION AND POTENTIAL ACTION ITEMS

7. Discussion and Direction on Submitting a Ballot Measure at the General Election Regarding Changing the Positions of City Clerk and City Treasurer from Elective to Appointive Positions.
8. Discussion Direction on Submitting a Ballot Measure at the General Election Regarding a Potential Revenue Measure.
9. Discussion and Direction on the Entertainment For the 4th of July Event and Receive an Update.

10. Consideration of a Resolution Adopting the Annual Budget for Fiscal Year 2024/2025; The GANN Appropriation Limit for Fiscal Year 2024/2025 and Infrastructure Work Plan. Staff Recommendation: Approve Resolution.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

ADJOURNMENT



**PUBLIC OPINION
STRATEGIES**

turning questions into answers

City of Livingston Survey

100 Registered Voters in the City of Livingston, California

May 15-22, 2024

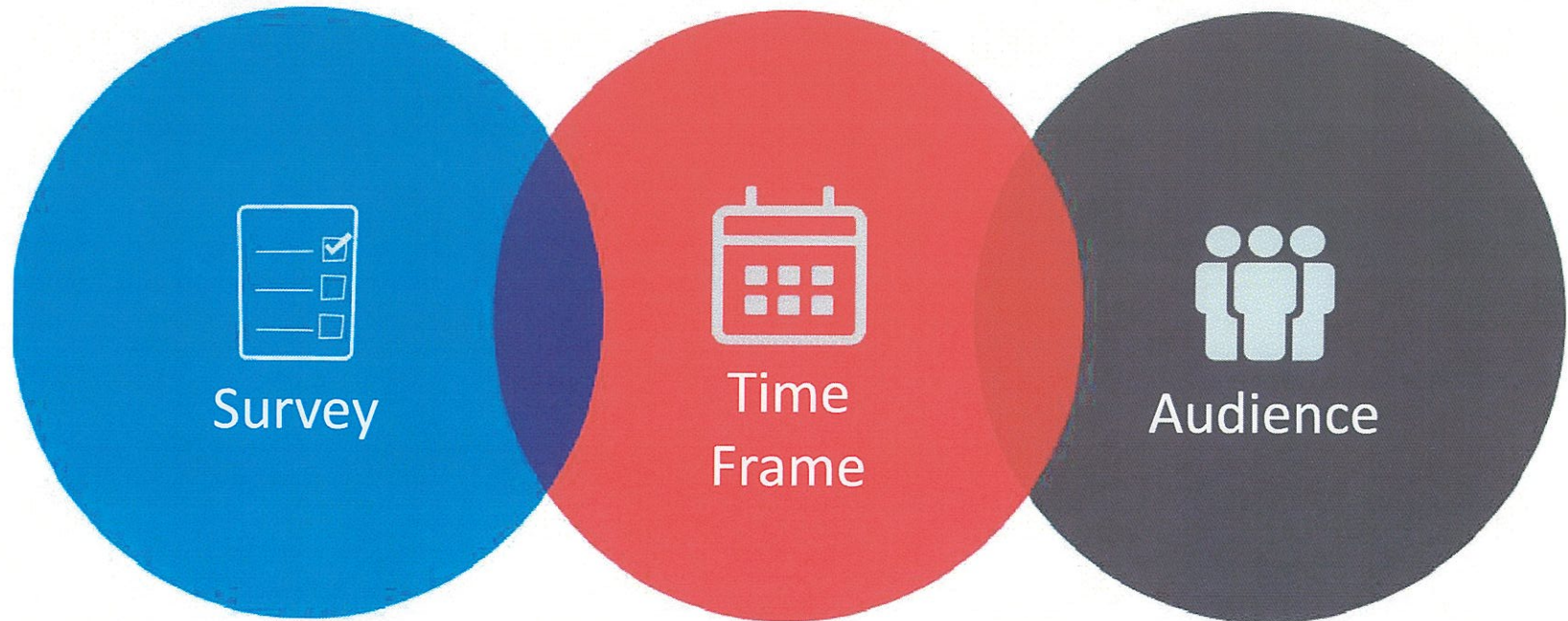
PREPARED BY:

George Nassar, Partner

LIVINGSTON CITY HALL

#240175

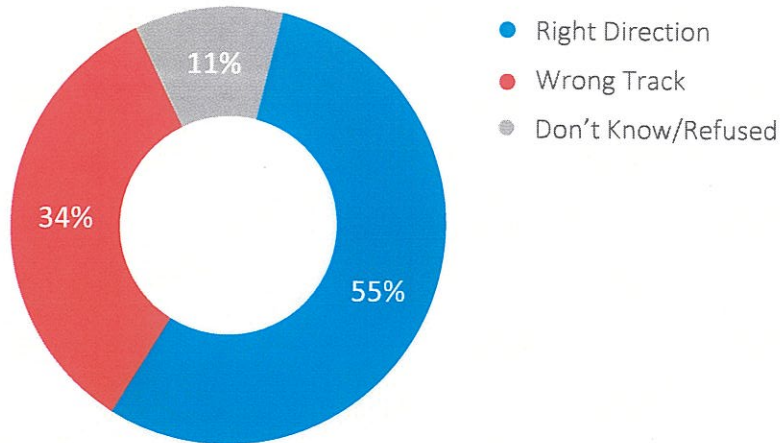
Methodology



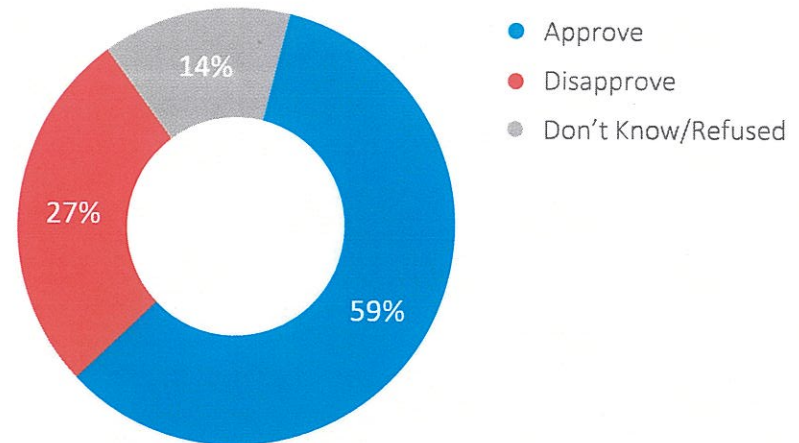
- Public Opinion Strategies presents the key findings from a survey of registered voters in the City of Livingston, California.
- George Nassar was the pollster and primary researcher. Chris Andrews was the project director and Ruby Miller provided analytical assistance.
- The survey was conducted May 15-22, 2024.
- The survey was conducted among N=100 registered voters.
- The margin of error for a sample size of N=100 is $\pm 9.8\%$.

Livingston voters are generally optimistic about the current state of the city.

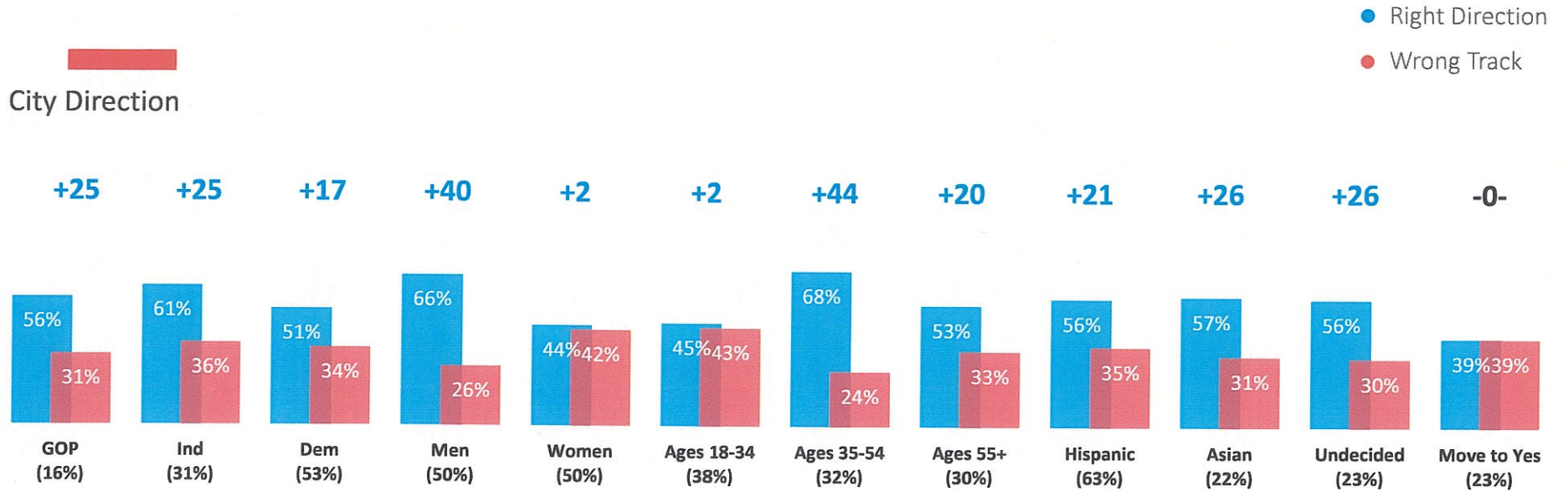
Generally speaking, do you think things in the City of Livingston are headed in the right direction or are they pretty seriously off on the wrong track?



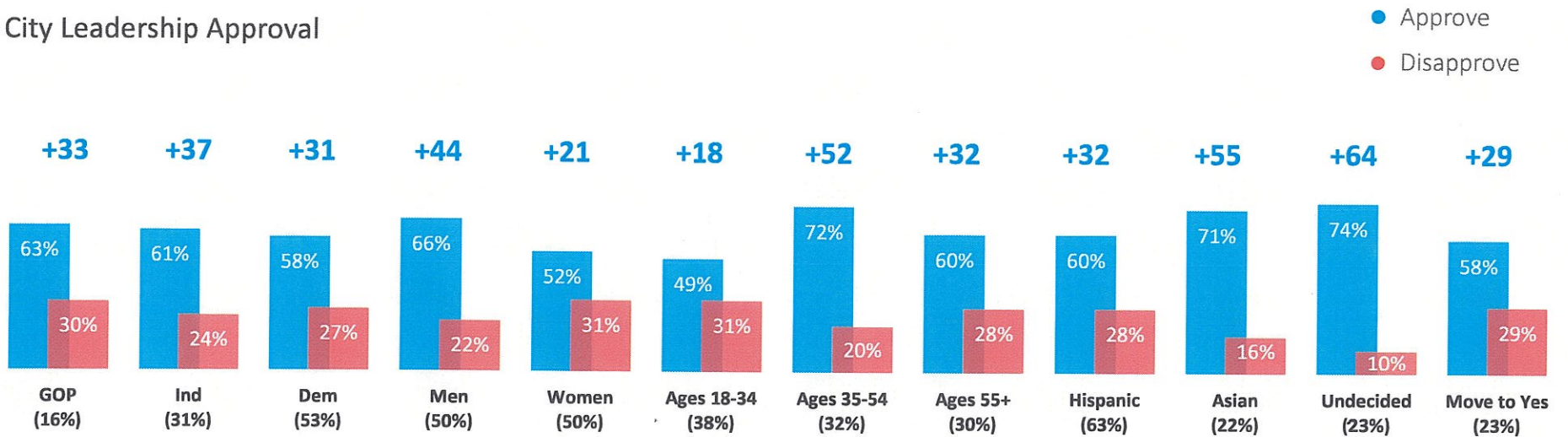
Next, do you approve or disapprove of the job the Livingston City leadership is doing?



Satisfaction cuts across all key demographic subgroups.



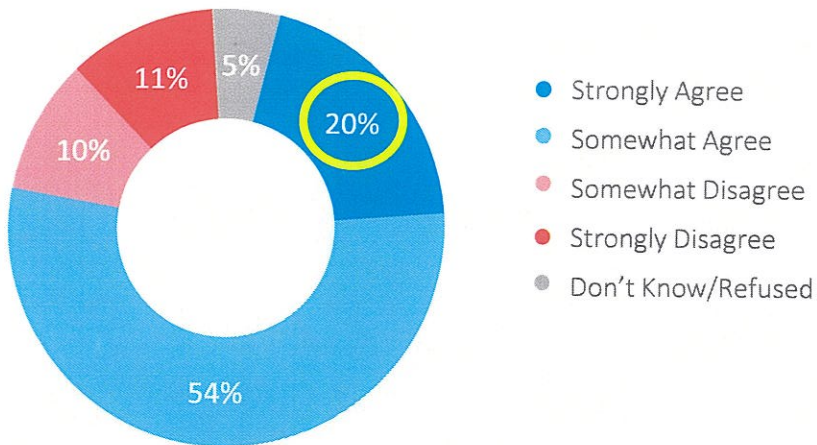
City Leadership Approval



Three quarters of voters say that the city of Livingston’s government is responsive to its citizens, though that agreement is soft.

Next, do you agree or disagree with the following statement:

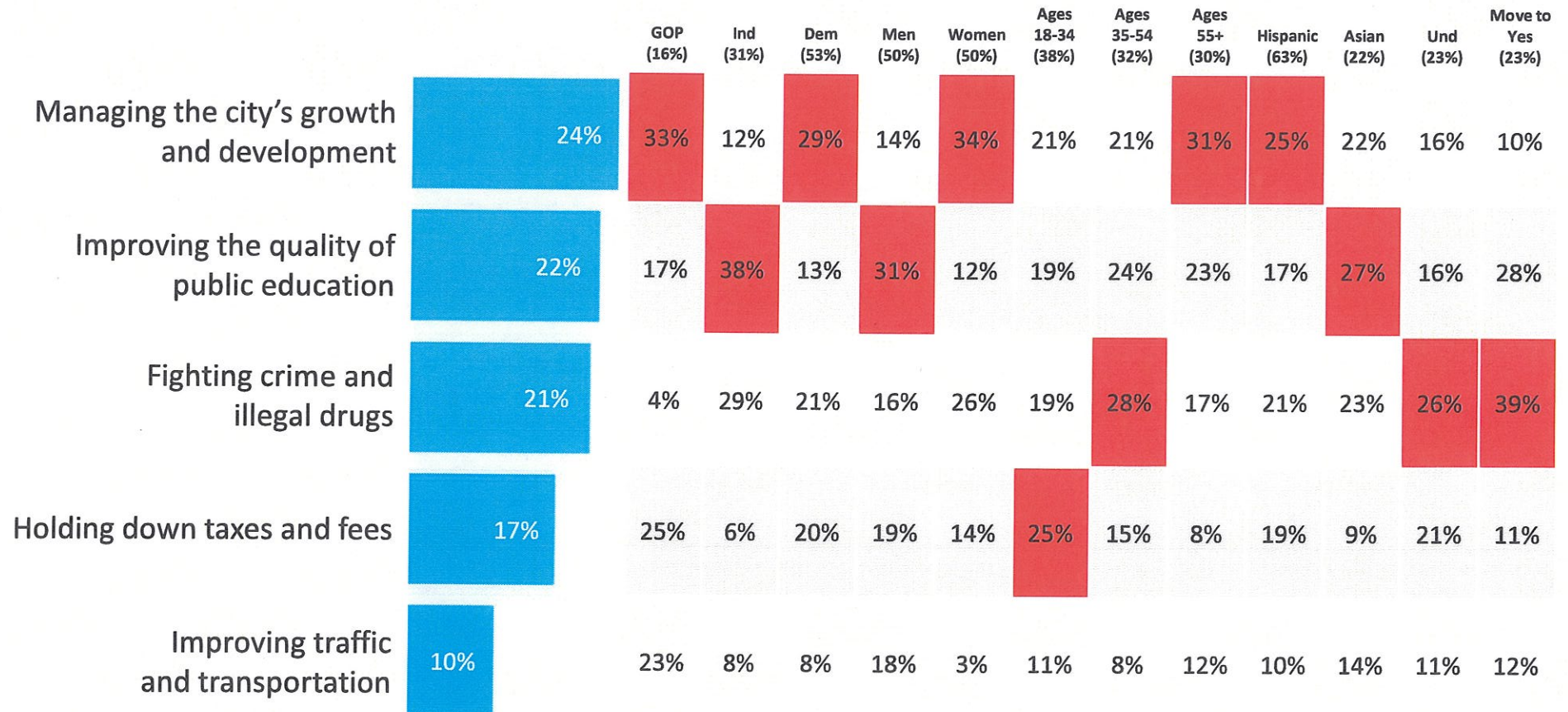
The city of Livingston’s government is responsive to its citizens.



	Total Agree	Total Disagree
GOP (16%)	82%	11%
Independent (31%)	83%	15%
Democrat (53%)	66%	27%
Men (50%)	81%	15%
Women (50%)	66%	27%
Ages 18-34 (38%)	73%	24%
Ages 35-54 (32%)	81%	13%
Ages 55+ (30%)	66%	26%
Hispanic (63%)	78%	17%
Asian (22%)	81%	19%
Undecided (23%)	79%	15%
Move to Yes (23%)	67%	27%

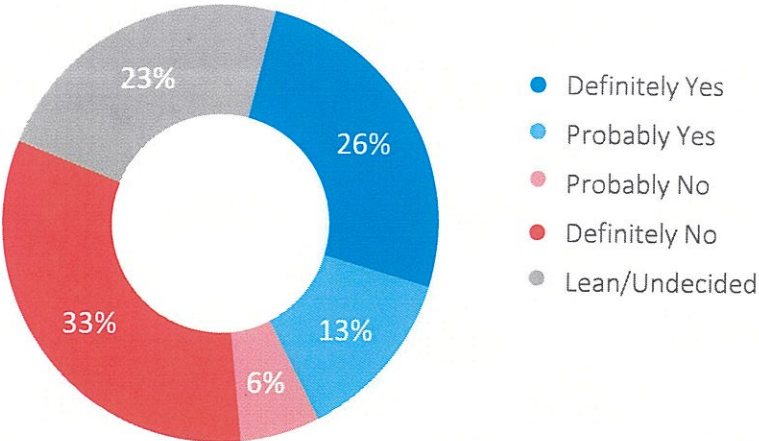
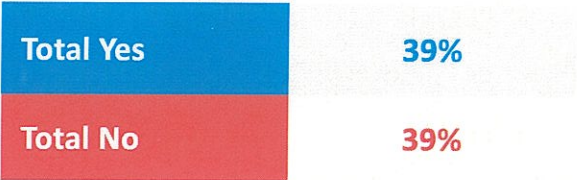
No issue clearly dominates, but managing growth, improving education and fighting crime are all bunched at the top.

Which of the following issues do you believe should be the top priority for elected officials in the City of Livingston?



Voters are split on the ballot proposal with a quarter undecided. Note, a majority of Democrats support it while all other parties oppose.

Moving on... There may be a proposal on the ballot in November that would raise the sales tax in Livingston by one-percent in order to raise approximately two million dollars in new revenue that would go towards the city's emergency response, primarily to increase staffing at the local fire department. If the election were being held today, would you vote yes or no on this proposal?



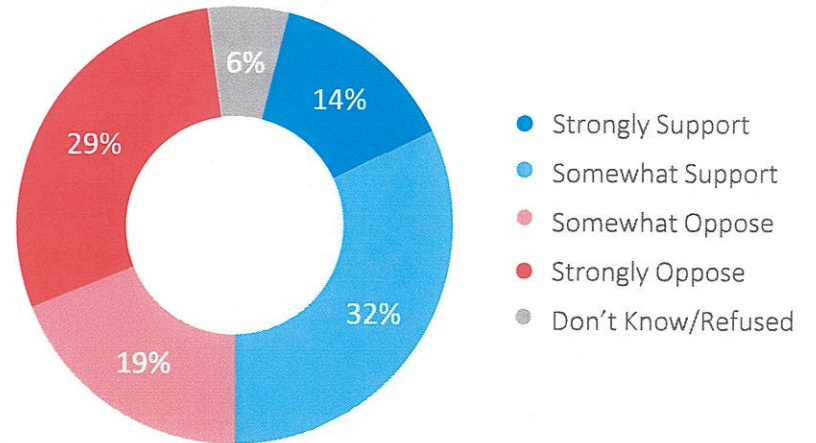
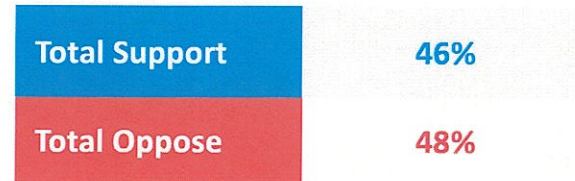
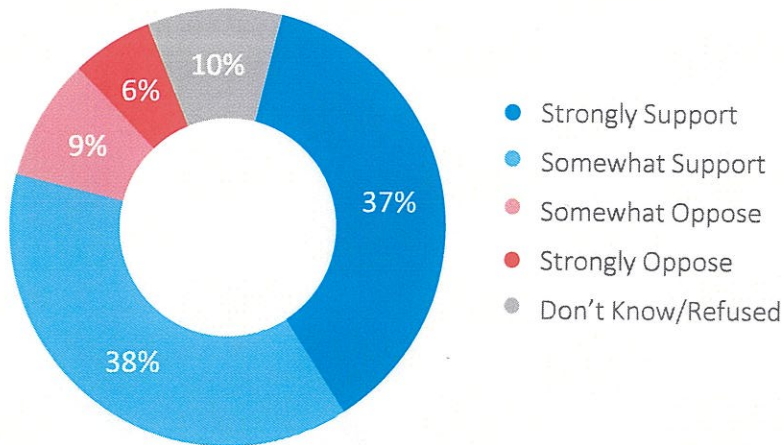
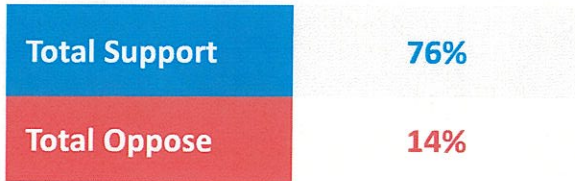
	Total Yes	Total No
GOP (16%)	22%	69%
Independent (31%)	24%	44%
Democrat (53%)	52%	26%
Men (50%)	39%	39%
Women (50%)	38%	39%
Ages 18-34 (38%)	35%	51%
Ages 35-54 (32%)	48%	29%
Ages 55+ (30%)	33%	33%
Hispanic (63%)	42%	41%
Asian (22%)	43%	16%

There would be broad support for the city creating its own fire department if Merced County closes the fire station. There is a split on hiring a contractor.

The County of Merced has notified the City that without additional funding, the County will close the Fire Station. I would like to read you a couple proposals being considered to replace the existing county-run fire station. After I read each one, please tell me if you support or oppose that proposal.

The City of Livingston creating its own Fire Department separate and apart from Merced County.

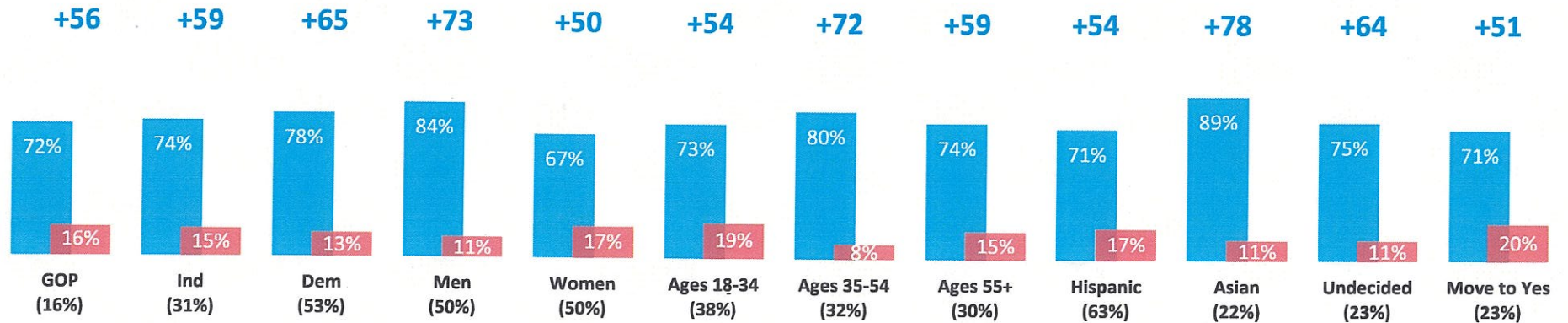
A separate contractor, outside of the County of Merced, providing fire services to the City of Livingston.



The city creating its own fire department is supported across the board. This is clearly the more popular option.

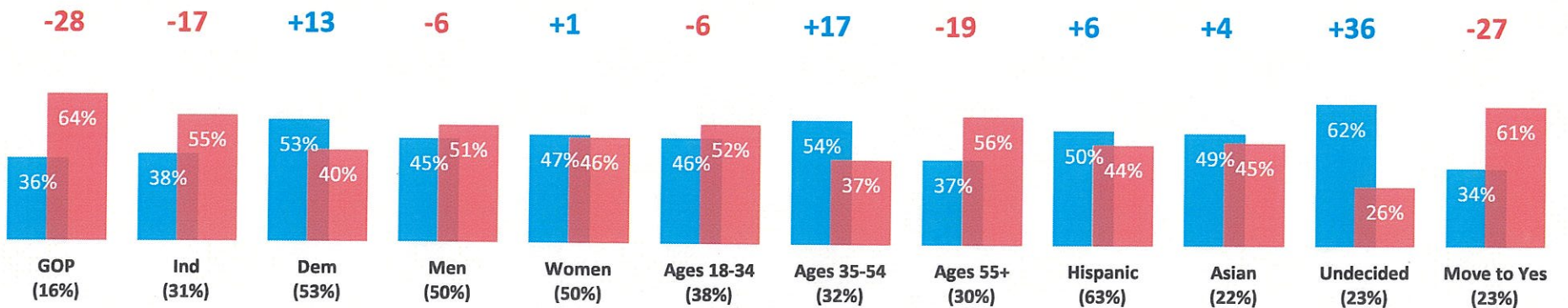
- Support
- Oppose

The City of Livingston Creating its Own Fire Department



A Separate Fire Department Outside of the County of Merced

- Support
- Oppose



The top item voters want prioritized is maintaining emergency response times, followed by fixing potholes, safety gear and keeping the fire station in Livingston. City beautification items fall towards the bottom.

Next, I'm going to read you some specific things which MIGHT be funded by the increase in the sales tax. Some of these may sound similar so please listen carefully and tell me how important each one is to you personally.



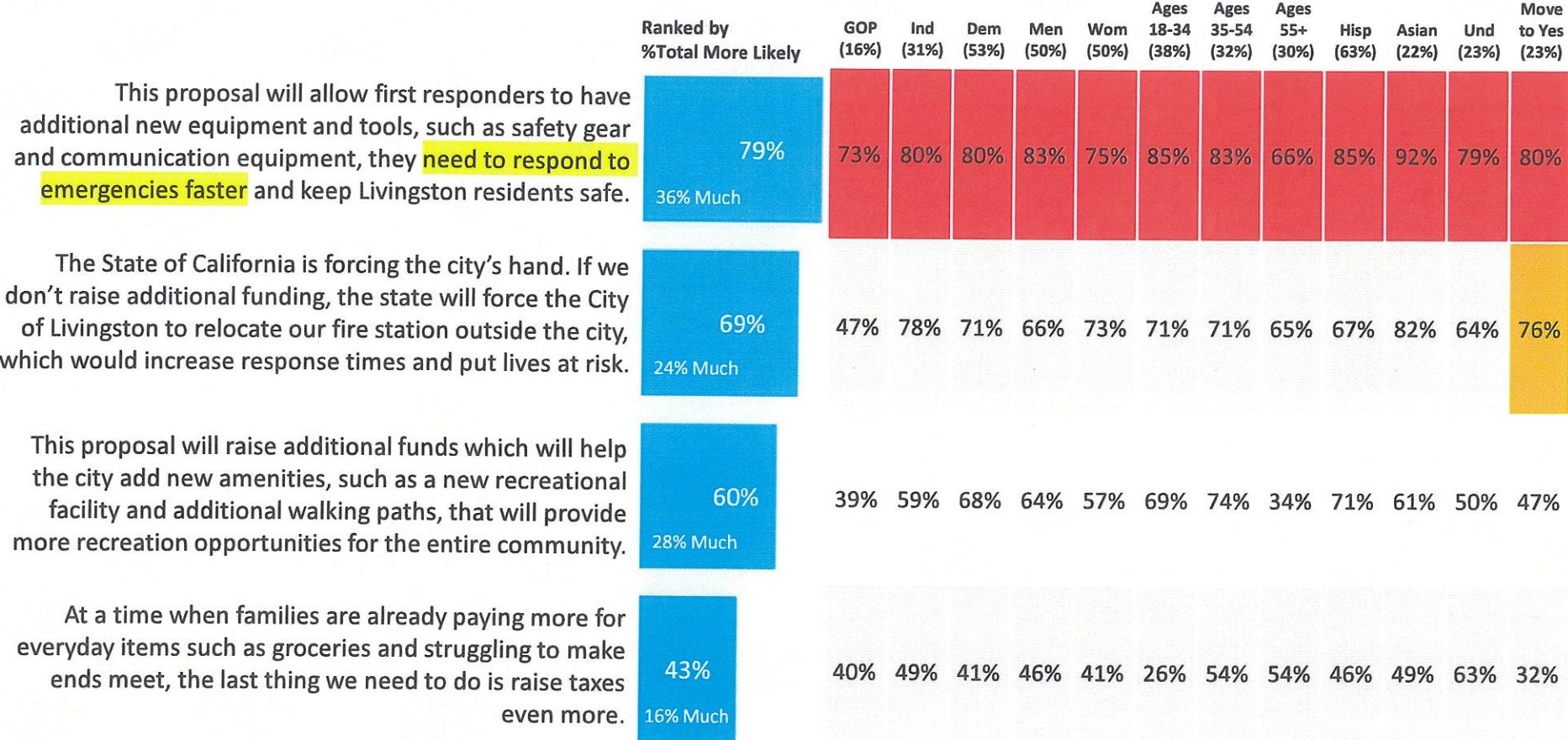
Voters across the board want to maintain response times. The new recreation center pops among movers (but note the small sample size – N=23).

Next, I'm going to read you some specific things which **MIGHT** be funded by the increase in the sales tax. Some of these may sound similar so please listen carefully and tell me how important each one is to you personally.

	Extremely Important	GOP (16%)	Ind (31%)	Dem (53%)	Men (50%)	Wom (50%)	Ages 18-34 (38%)	Ages 35-54 (32%)	Ages 55+ (30%)	Hisp (63%)	Asian (22%)	Und (23%)	Move to Yes (23%)
Maintaining emergency response times in the city.	40%	23%	38%	47%	35%	45%	47%	33%	39%	37%	50%	32%	36%
Providing safety gear for fire fighter, such as air packs.	33%	25%	37%	33%	34%	32%	42%	24%	31%	31%	44%	33%	22%
Updating police and firefighters' communication equipment to allow for improved response times for local law enforcement.	30%	28%	35%	28%	28%	32%	33%	22%	36%	30%	33%	23%	22%
Fixing potholes and better maintaining city streets to reduce wear and tear on vehicles.	29%	22%	20%	37%	28%	31%	44%	17%	25%	31%	34%	24%	21%
Building a new recreation facility in the city, along with ongoing expenses of maintaining it in the future.	27%	28%	16%	33%	20%	34%	28%	22%	31%	30%	21%	20%	29%
Ensuring that our fire station stays within the city of Livingston and does not get relocated outside of the city.	26%	12%	23%	32%	23%	29%	26%	27%	24%	29%	17%	24%	14%
Increasing the number of firefighters in the city.	23%	17%	31%	21%	21%	25%	28%	23%	18%	16%	40%	18%	17%
Increasing funding for local police.	22%	23%	18%	24%	22%	22%	34%	16%	14%	21%	26%	11%	12%
Improving and maintaining conditions in neighborhoods such as sidewalks, lighting and other features.	22%	22%	19%	23%	22%	21%	27%	19%	19%	24%	20%	36%	20%
City beautification efforts such as removing graffiti and adding additional walking paths in parks.	19%	-	31%	17%	24%	13%	22%	20%	13%	17%	18%	19%	10%
Improving neighborhood parks and other public amenities.	16%	20%	14%	17%	15%	18%	20%	20%	7%	20%	3%	19%	19%

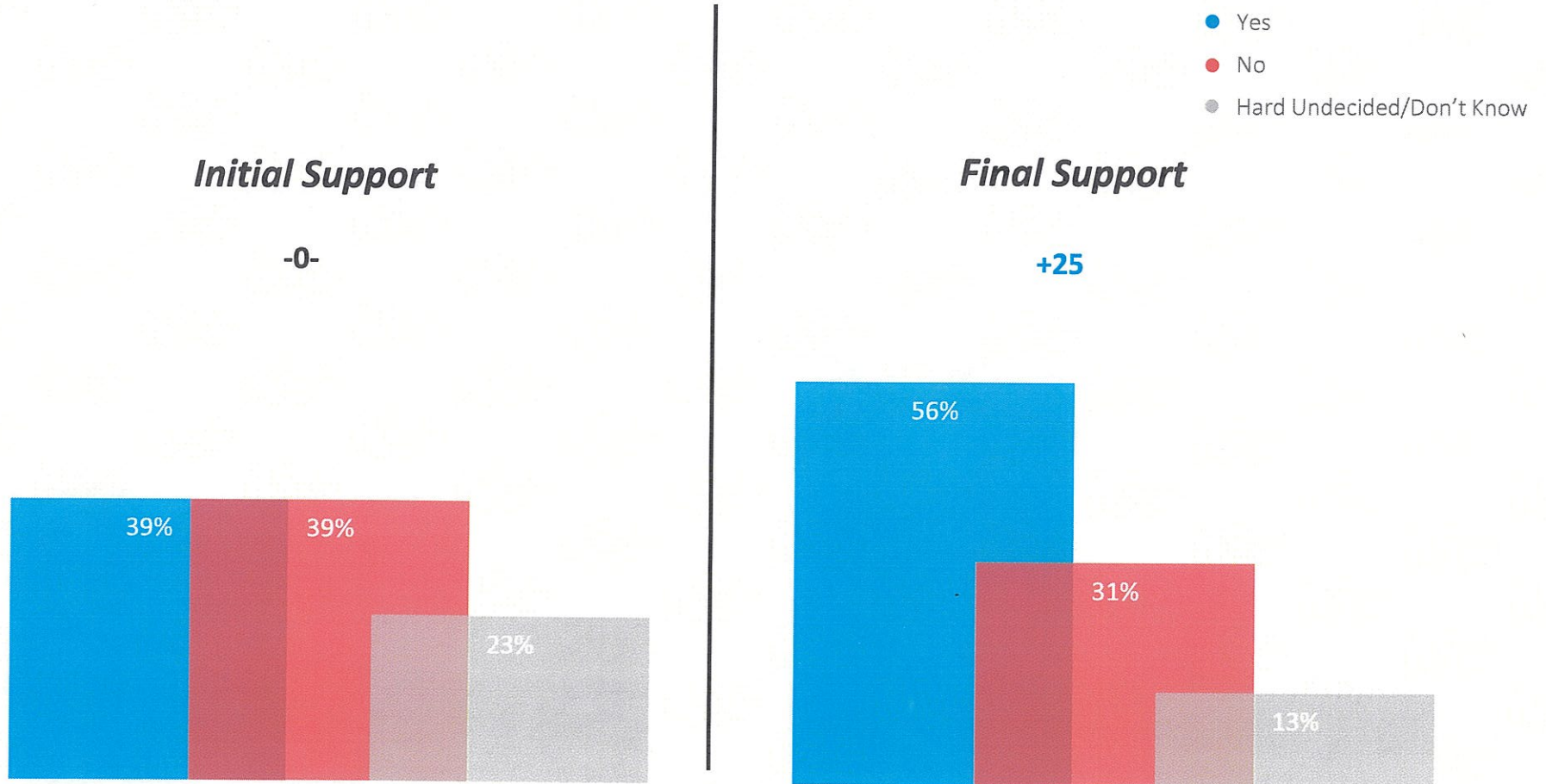
New equipment and tools is the top message in support of the proposal, including among undecideds and movers. This ties directly back to voters wanting emergency response times maintained.

Next, I'd like to read you some information about this proposal. After I read each statement, please tell me whether it makes you more likely or less likely to support this proposal.



A majority support the proposal after they learn more about it.

Now that you have heard some more information... If the election were being held today, would you vote yes or no on this proposal that would raise the sales tax in Livingston by one-percent in order to raise approximately two million dollars in new revenue that would go towards the city's emergency response, primarily to increase staffing at the local fire department ?



We see big jumps in support across the board and opposition among younger voters and non-Democrats drops.



	Support			Oppose		
	Initial	Final	Net	Initial	Final	Net
Overall	39%	56%	+17	39%	31%	-8
GOP (16%)	22%	43%	+21	69%	43%	-26
Independent (31%)	24%	47%	+23	44%	34%	-10
Democrat (53%)	52%	66%	+14	26%	25%	-1
Men (50%)	39%	57%	+18	39%	31%	-8
Women (50%)	38%	56%	+18	39%	31%	-8
Ages 18-34 (38%)	35%	58%	+23	51%	32%	-19
Ages 35-54 (32%)	48%	59%	+11	29%	35%	+6
Ages 55+ (30%)	33%	52%	+19	33%	25%	-8
Hispanic (63%)	42%	57%	+15	41%	31%	-10
Asian (22%)	43%	65%	+22	16%	18%	+2



**PUBLIC OPINION
STRATEGIES**

turning questions into answers



George Nassar
Partner

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Cell: (901) 550-1557

Email: george@pos.org

Address: 214 N Fayette Street, Alexandria, VA 22314

LIVINGSTON CITY HALL

CITY OF LIVINGSTON

Engineering Staff Report

June 4, 2024



Capital Projects in Construction

- Well 8A – Additional Water Quality Testing



Capital Projects Out to Bid

- East Avenue Storm Drainage Pump Station
 - Out to bid on May 21, 2024
 - Bid Opening on June 11, 2024
- Sludge Thickener Installation at Wastewater Treatment Plant
 - Out to bid on May 21, 2024
 - Bid Opening on June 11, 2024
 - Public Works performing plant water system improvements



Water Capacity Assessment

- Revised production and different scenarios were prepared and provided to the City based on Public Works production data from April 2024

Private Development Projects

- Entitled Projects (seeking permits)
 - Tierrasanta – Residential
 - Moonglo Truck Stop – Commercial
 - Padilla Autobody Shop – Commercial
 - B Street Triplex – Residential
- Projects in Pre-Application Phase
 - Maverick Service Station
 - Others
- Building Permits
 - 835 6th Street ADU
 - 1511 Second Street ADU

Water System Capacity			
Firm Source Capacity (gpm) Largest Producing Well Offline		MDD (gpm)	Available Capacity (gpm)
Capacity Assessment from November 2023	7,200 based on 2014 Consumption	7,222	0 (-22)
	Using 2022 Consumption	5,507	1,715
	Using 2023 Consumption	5,820	1,372
	Based on 2015* Consumption	6,667	555
Using water production provided by Public Works on 4-30-2024	6,650 based on 2014 Consumption	7,222	0 (-572)
	Using 2022 Consumption	5,507	1,143
	Using 2023 Consumption	5,850	800
	Based on 2015* Consumption	6,667	0 (-17)

*At the end of 2024 calendar year, the highest consumption in the previous 10 years will be 2015

Questions?



ELECTED OFFICIAL'S REPORT

AGENDA ITEM: Treasurer's Report: April 2024
MEETING DATE: June 04, 2024
PREPARED BY: Katherine Schell Rodriguez – Elected City Treasurer

RECOMMENDATION:

Receive and File Treasurer's Report for the month ending April 30, 2024.

BACKGROUND:

The Treasurer's Report is required to be presented to the governing body.

DISCUSSION:

Total Cash and City Investments including cash in the bank, and cash in the Local Agency Investment Fund is \$42,158,250.19 and represents a 0.94% increase from the previous month.

The attached Treasurer's report is a "snapshot" report of our cash position on the last day of the month in all our accounts per Bank Statements.

FISCAL IMPACT:

None.

ATTACHMENTS:

April 30th, 2024, Treasurer's Report with signature



TREASURER'S REPORT

Bank Statement Period Ending April 30, 2024
 Report Date May 25, 2024
 Meeting Date June 04, 2024

The following cash and investment information pertains to the period ending per Bank Statements

Institution	Acct#	Investment Type	Average Monthly Yield %	Balance APRIL
State of California LAIF (Local Agency Investment Fund)	xx-xx-463	Pooled	4.272%	39,241,669.66
Non Interest Bearing Items				
Farmers & Merchants Bank	xxxxxx5801	Operating Account	N/A	1,996,853.57
Farmers & Merchants Bank	xxxxxx6601	Payroll Account	N/A	153,393.64
Farmers & Merchants Bank	xxxxxx8201	Web Payments Account	N/A	766,333.32
Subtotal F&M Bank			Subtotal	2,916,580.53
Total Cash & Investments			Totals	42,158,250.19

Notes

- 1) There are currently no Investments, In an Institution, with a Maturity Date, and/or a Maturity Date of 12 Months or More. The City's Portfolio consists of Non Interest Bearing Items in F&M Bank, and funds deposited with the State Local Investment Agency (LAIF)
- 2) Percentage Yield Rate from the LAIF Website "PMIA Average Monthly Yield"
- 3) The Average Daily Balance in F & M Bank for the month was \$2,282,926.85 per statements

Prepared By:

Katherine Schell-Rodriguez
 Katherine Schell-Rodriguez City Treasurer



STAFF REPORT

AGENDA ITEM: Consideration of an Ordinance of the City Council of the City of Livingston Repealing and Replacing a Portion of Chapter 2 of Title 2 of the Livingston Municipal Code Pertaining to the Planning Commission.

MEETING DATE: June 4, 2024

PREPARED BY: Roy Santos, City Attorney

REVIEWED BY: Christopher Lopez, Interim City Manager

RECOMMENDATION:

Waive the Second Reading of the Ordinance by Title Only, Open the Public Comments, Close the Public Comments and Adopt the Ordinance as Presented.

BACKGROUND AND DISCUSSION:

Over the last year, the City has experienced several vacancies on its Planning Commission. Due to similar types of issues with the Recreation Commission, previous City Council's amended the Municipal Code to allow for residents who reside within the Livingston Union School District to seek a seat on the City's Recreation Commission.

On March 19, 2024, the City Council directed the City Attorney's Office to amend the Municipal Code to allow for similar language. The City Attorney has drafted the proposed ordinance, and it is included in the agenda backup.

The edited portion of the Municipal Code is located below for reference:

"The members of the Planning Commission may be composed of qualified electors of the City and a maximum of one member may reside outside the city limits, as long as they reside within the boundaries of the Livingston Union School District. The composition of the Planning Commission shall be established by resolution of the City Council."

The proposed amendments are aimed at allowing a greater pool of applicants to submit their applications to the Planning Commission to be reviewed by the Mayor and City Council.

OPTIONS:

1. Waive first reading, read by title only, and introduce the proposed Ordinance;
2. Waive first reading, read by title only, and introduce the proposed Ordinance with direction to staff for changes; or
3. Reject the proposed Ordinance entirely.



ATTACHMENTS:

1. Proposed Ordinance

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
REPEALING AND REPLACING A PORTION OF CHAPTER 2 OF TITLE 2 OF THE
LIVINGSTON MUNICIPAL CODE PERTAINING TO THE PLANNING COMMISSION**

WHEREAS, the City of Livingston (“the City”) has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, California Constitution Article XI, section 7; and

WHEREAS, pursuant to Government Code Title 7, Chapter 3, the City previously enacted Title 2, Chapter 2 of the City of Livingston Municipal Code to establish and govern the City’s Planning Commission; and

WHEREAS, the City now wishes to amend Title 2, Chapter 2 to authorize additional individuals to participate on the City’s Planning Commission; and

WHEREAS, nothing in this Ordinance shall be construed to: (1) allow any person to engage in conduct that endangers others or causes a public nuisance; or (2) allow any activity which is illegal under state or federal law.

NOW THEREFORE, the City Council of the City of Livingston does hereby ordain as follows:

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. The Ordinance is exempt from the California Environmental Quality Act (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) It is also exempt because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment. (CEQA Guidelines §§ 15307 and 15308.)

SECTION 3. Chapter 2, of Title 2, of the Livingston Municipal Code is repealed and replaced and shall read as follows:

Chapter 2

PLANNING COMMISSION

Section 2-2-2 Membership and Terms of Office.

(A) Membership and compensation.

2. The members of the Planning Commission may be composed of qualified electors of the City and a maximum of one member may reside outside the city limits, as long as they reside within the boundaries of the Livingston Union School District. The composition of the Planning Commission shall be established by resolution of the City Council.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 21st day of May 2024, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____ 2024, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST

Monica Cisneros, Deputy City Clerk

CITY OF LIVINGSTON

By: _____
Jose Moran, Mayor

APPROVED AS TO FORM

By: _____
Roy C. Santos, City Attorney

I, _____, Deputy City Clerk of the City of Livingston, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Livingston on the date and by the vote indicated herein.



STAFF REPORT

AGENDA ITEM: Adopt Resolutions Calling and Giving Notice of the Holding of a General Municipal Election on Tuesday, November 5, 2024, for the Election of the Mayor, Two (2) Council Members, a City Clerk, and City Treasurer as Required by the Provisions of the Laws of the State of California Relating to General Law Cities; and Resolution Requesting the Board of Supervisors of the County of Merced Consolidate a General Municipal Election to be Held on November 5, 2024, with the Statewide General Election to be Held on the Date Pursuant to Section 10403 of the Elections Code.

MEETING DATE: June 4, 2024

PREPARED BY: Monica Cisneros, Deputy City Clerk
Roy Santos, City Attorney

REVIEWED BY: Christopher Lopez, Interim City Manager

RECOMMENDATION:

Adopt resolutions requesting that the City Council:

1. Adopt Resolution No. _____ calling and giving notice of the holding of a General Municipal Election on Tuesday, November 5, 2024, for the election of the Mayor, two (2) Council Members, a City Clerk, and City Treasurer as required by the provisions of the laws of the State of California relating to General Law cities;
2. Adopt Resolution No. _____ requesting the Board of Supervisors of the County of Merced Consolidate a General Municipal Election to be held on November 5, 2024, with the Statewide General Election to be held on the date pursuant to Section 10403 of the Elections Code.

BACKGROUND:

The City of Livingston conducts an election for City Officers on even-numbered years. The statewide general election will be held on Tuesday, November 5, 2024. It has been the practice that the City election be consolidated, through the services of the Merced County Office of Elections, with the statewide general election. This is the most efficient and cost-effective process.

DISCUSSION:

Each election year, the Merced County Clerk's office requests that the City adopt a resolution requesting that the County Board of Supervisors consolidate the City's Municipal Election with the Statewide General Election. The conduct of the 2024 Municipal Election will be the same as the 2022 election process. The City Clerk's office will refer all persons expressing an interest in

running for election to obtain their election materials from the Elections Office of Merced County. Collection and verification of signatures on nomination papers and financial documentation required by state law will be handled by the County Elections office. The coordination of the election, polling places, and ballot materials will be handled by the Merced County Office of Elections, with approval from the Merced County Board of Supervisors.

The 2024 General Municipal Election will be for the purpose of electing the Mayor for a two-year term and two (2) Members of the City Council, City Clerk, and City Treasurer each for a full four (4) year term.

FISCAL IMPACT:

The costs associated with the election will be included in the General Fund, City Officials Department for the Fiscal Year 2024/2025 Budget. The cost for the last election was \$13,196.31. We are waiting to hear back from the County to provide us with the estimated cost for this year's election.

ATTACHMENTS:

1. Resolution No. 2024-____
2. Resolution No. 2024-____

RESOLUTION NO. 2024-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MERCED
CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER
5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE
PURSUANT TO SECTION 10403 OF THE ELECTION CODE**

WHEREAS, the City Council of the City of Livingston called a General Municipal Election to be held on November 5, 2024, for the purpose of the election of the Mayor, two (2) Members of the City Council, a City Clerk and City Treasurer; and

WHEREAS, it is 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 precincts, polling places and election officers of the two (2) elections be the same, and that the County Elections Department of the County of Merced canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one (1) election.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livingston does hereby resolve, declare, determine and order as follows:

Section 1: That pursuant to the requirements of Sections 10400, 10402 and 10403 of the Elections Code, it is in the best interest of the public to consolidate the City of Livingston Election with the Statewide General Election, and the Board of Supervisors of the County of Merced 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 the election of the Mayor, two (2) Members of the City Council, a City Clerk, and City Treasurer.

Section 2: That the County Elections Department is authorized to canvass the returns of the Livingston General Municipal Election. The selection shall be held in all respects as if there were only one (1) election, and only one (1) form of ballot shall be used.

Section 3: That the Board of Supervisors is requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the consolidated election.

Section 4: That the City of Livingston recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for such costs.

Section 5: That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Elections Department of the County of Merced.

Section 6: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

I hereby certify that the foregoing Resolution No. 2024-___ is a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Livingston at a regular meeting thereof duly held on the 21st day of May 2024, by the vote recorded as follows:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Jose A. Moran, Mayor
Of City of Livingston

ATTEST

Monica Cisneros, Deputy City Clerk

APPROVED AS TO LEGAL FORM

Roy C. Santos, City Attorney

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE ELECTION OF THE MAYOR, TWO (2) COUNCIL MEMBERS, A CITY CLERK, AND CITY TREASURER AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, the City of Livingston conducts elections for City Officers on even-numbered years; and

WHEREAS, if approved by Council a General Municipal Election shall be held on November 5, 2024, for the election of Municipal Officers.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livingston does hereby resolve, declare, determine and order as follows:

Section 1: That 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 Livingston, California, on Tuesday, November 5, 2024, a General Municipal Election for the purpose of electing the Mayor, two (2) Members of the City Council, a City Clerk, and City Treasurer. The term of the Mayor shall be two (2) years. Members of the City Council, City Clerk, and City Treasurer shall each serve a full term of four (4) years.

Section 2: That notice of the time and place of holding the election is given and the City Clerk and the Deputy City Clerk are authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law and pursuant to Elections Code section 12101.

Section 3: That Candidate Statements are to be paid for by the Candidate.

Section 4: In the event that any two (2) or more candidates receive an equal and the highest number of votes for a City office, the winner shall be determined "by lot" in accordance with the provisions of Section 15651 of the Elections Code. Upon the determination of a tie vote, the City Clerk shall immediately notify those candidates receiving the equal number of votes to appear before the City Council. The City Council shall determine the winner by coin toss method, with the coin toss to be conducted by the City Clerk or his or her designee. Resolution number 2022-43 is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 5: All other rules and regulations governed by the Elections Code for the conduct of the General Municipal Election on November 5, 2024, not specifically cited in this Resolution shall be applicable to the Election.

Section 6: The City Clerk is directed to cause the posting, publication and printing of notices and all other matters pursuant to the requirements of the Elections and Government Codes of the State of California.

Section 7: The City Clerk is directed to file a copy of this Resolution with the Merced County Board of Supervisors and to transmit a copy of this Resolution to the Merced County Registrar of Voters.

Section 8: This Resolution shall be effective upon its adoption.

I hereby certify that the foregoing Resolution No. 2024-___ is a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Livingston at a regular meeting thereof duly held on the 4th day of June 2024, by the vote recorded as follows:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Jose A. Moran, Mayor
Of City of Livingston

ATTEST

Monica Cisneros, Deputy City Clerk

APPROVED AS TO LEGAL FORM

Roy C. Santos, City Attorney

RESOLUTION NO. 2022-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON ESTABLISHING THE POLICY OF RESOLVING A TIE VOTE BY LOT WHEN TWO OR MORE CANDIDATES RECEIVE AN EQUAL AND HIGHEST NUMBER OF VOTES

WHEREAS, Section 15651 of the Elections Code authorizes the legislative body of a city to adopt provisions for resolving a tie vote "by lot" or by special runoff election when two (2) or more candidates receive an equal and highest number of votes for elected city office; and

WHEREAS, due to the low probability of a tie vote and the additional cost of conducting a special runoff election, the City Council finds it is in the best interest of the City of Livingston ("City") to determine tie votes "by lot" instead of by special runoff election; and

WHEREAS, this Resolution supersedes any other City resolution governing the procedure for determining the outcome of a tie vote in a City office election.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livingston does hereby resolve, declare, determine and order as follows:

Section 1: In the event that any two (2) or more candidates receive an equal and the highest number of votes for a City office, the winner shall be determined "by lot" in accordance with the provisions of Section 15651 of the Elections Code. Upon the determination of a tie vote, the City Clerk shall immediately notify those candidates receiving the equal number of votes to appear before the City Council. The City Council shall determine the winner by coin toss method, with the coin toss to be conducted by the City Clerk or his or her designee.

Section 2: This resolution shall constitute the City's policy for determining the outcome of tie votes for City office elections, and shall continue to apply for all future elections unless the City Council adopts the provisions of Elections Code section 15651, subdivision (b), prior to the conduct of the election resulting in the tie vote.

Section 3: The City Clerk is directed to file a copy of this Resolution with the Merced County Board of Supervisors and to transmit a copy of this Resolution to the Merced County Registrar of Voters.

Section 4: This Resolution shall be effective upon its adoption.

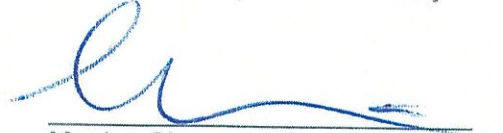
Passed and adopted this 5th day of July, 2022, by the following vote:

- AYES: Mayor Aguilar and Council Members Baptista-Soto, Moran, Kang, and Garcia
NOES: None
ABSENT: None
ABSTAIN: None

[Handwritten signature of Juan Aguilar Jr.]
Juan Aguilar Jr., Mayor
of the City of Livingston

ATTEST:

I, hereby certify that the foregoing Resolution was regularly introduced, passed and adopted at a regular meeting of the City Council of the City of Livingston this 5th day of July, 2022.



Monica Cisneros, Deputy City Clerk
of the City of Livingston



STAFF REPORT

AGENDA ITEM: Adopt a Resolution approving the City of Livingston FY 24/25 List of Eligible Projects for Funding from the Road Maintenance and Rehabilitation Account (RMRA) created by Senate Bill (SB) 1 Road Repair and Accountability Act of 2017, and Authorizing the City Manager to file with the California Transportation Commission the Project List and Annual Expenditure Report for FY 24/25 RMRA Funding

MEETING DATE: June 4, 2024

PREPARED BY: Noe Martinez, PE, Gouveia Engineering

REVIEWED BY: Christopher Lopez, Interim City Manager

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. _____, as follows:

1. Approving the City of Livingston FY 24/25 List of eligible projects for funding from the Road Maintenance and Rehabilitation Account administered by the California Transportation Commission in partnership with the State Controller's office, and
2. Authorizing the City Manager to file with the California Transportation Commission (CTC) the Project List and Annual Expenditure Report for FY 24/25 RMRA Funding.

BACKGROUND:

Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor on April 28, 2017, in order to address the transportation funding shortfalls statewide. Findings from the 2016-2023 California Statewide Local Streets and Roads Needs Assessment show that a majority of the city streets and roads in California are at an "at-risk" condition and this funding will provide for improving the roads system. It is anticipated that over the current decade and beyond, SB 1 will contribute to restoring streets and roads into a "good" condition. SB 1 funding is generated from increased gasoline and diesel fuel excise taxes and additional vehicle registration fees for California residents.

SB 1 includes accountability and transparency provisions to ensure the funding is used promptly for eligible transportation projects including, but not limited to, road maintenance and rehabilitation, safety projects, railroad grade separations, "complete streets" components, and traffic control devices. Funding recipients must prepare a list of eligible projects to receive funding from the Road Maintenance and Rehabilitation Account on a fiscal year basis. This list must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. Funding recipients are also required to prepare annual reports to indicate expenditure levels and completion status for each proposed project on a fiscal year basis.

Cities and counties receive an annual allocation, determined from a population formula, which is distributed on a monthly basis. SB 1 mandates that this new RMRA funding must not be used to supplant the current level of General Fund expenditures for street improvements and will be subject to oversight by the State Controller as part of the accountability and transparency provisions.

DISCUSSION:

This year's allocation corresponds to the eight year of funding and the seventh consecutive full allocation since the program's inception. The funds were first made available to cities and counties during Fiscal Year 2017-2018 as a partial allocation from the regular fiscal year amount.

In order to receive the FY 24/25 SB 1 funding, the City of Livingston must submit to the California Transportation Commission by July 1, 2024, or as extended by the Commission, a list of eligible projects approved by resolution by the City Council and submitted electronically using the CTC-developed online tool.

The City has determined a project list consisting of both new and previously proposed and adopted (Re-listed) projects for the SB 1 RMRA Program.

The City of Livingston's FY 24/25 allocation is estimated at \$364,870 per the Local Streets and Roads – Projected Revenues dated January, 2024, and as published by the California City Finance website. It is recommended that these funds be designated for the following new or Re-listed eligible projects:

1. Winton Parkway Rehabilitation (from Joseph Gallo Drive to SR 99) – **Re-listed**
2. Hammatt Avenue Rehabilitation (from Campbell Boulevard to SR 99) – **Re-listed**
3. Stefani Avenue Rehabilitation (from Davis to Campbell Boulevard) – **Re-listed**
4. Main (Lincoln) Street Rehabilitation (from Peach to New Castle Drive) – **New**
5. 4th Street Rehabilitation (from Park to F Street) – **New**
6. Main Street Rehabilitation (from E to I Street) - **New**

The attached project list (Exhibit 1) provides more detail including the project description, location, estimated completion date, and useful life.

The City's FY 24/25 Budget will include the following revenue and expenditure items for the FY 24/25 SB 1 Allocation:

Revenue: Road Maintenance and Rehabilitation Account: \$364,870

Expenditure: Road Maintenance and Rehabilitation Projects: \$364,870

FISCAL IMPACT:

The expenditures for the FY 24/25 eligible projects will be fully funded from the City's Road Maintenance and Rehabilitation Account. The proposed project expenditures for FY 24/25 shall match the anticipated revenue of \$364,870 for FY 24/25.

ATTACHMENTS:

1. Resolution
2. Exhibit 1 - FY 24-25 Project List

RESOLUTION NO. 2024-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON
APPROVING THE CITY OF LIVINGSTON FY 24/25 LIST OF ELIGIBLE
PROJECTS FOR FUNDING FROM THE ROAD MAINTENANCE AND
REHABILITATION ACCOUNT (RMRA) CREATED BY SENATE BILL 1: ROAD
REPAIR AND ACCOUNTABILITY ACT OF 2017, AND AUTHORIZING THE
CITY MANAGER TO FILE WITH THE CALIFORNIA TRANSPORTATION
COMMISSION THE PROJECT LIST AND ANNUAL EXPENDITURE REPORT
FOR FY 2024/2025 RMRA FUNDING**

WHEREAS, the City of Livingston is eligible to receive funding from the Road Maintenance and Rehabilitation Account (RMRA) created by Senate Bill (SB) 1, Road Repair and Accountability Act of 2017, passed by the Legislature and signed into law by the Governor on April 28, 2017, in order to address the transportation funding shortfalls statewide; and

WHEREAS, RMRA funding is generated from increased gasoline and diesel fuel excise taxes and additional vehicle registration fees for California residents, cities and counties receive an annual allocation, determined from a population formula, which is distributed on a monthly basis; and

WHEREAS, SB 1 includes accountability and transparency provisions to ensure the funding is used promptly for eligible transportation projects including, but not limited to, road maintenance and rehabilitation, safety projects, railroad grade separations, "complete streets" components, and traffic control devices, this new RMRA funding must not be used to supplant the current level of General Fund expenditures for street improvements and will be subject to oversight by the State Controller's office; and

WHEREAS, funding recipients must prepare a list of eligible projects to receive funding from the Road Maintenance and Rehabilitation Account on a fiscal year basis and approved by resolution by the governing board. This list must include a description and location of each proposed project, a proposed schedule for completion, and the estimated useful life of the improvements; and

WHEREAS, the City has ensured public input and developed the most high-priority and cost-effective projects to receive SB 1 revenues and that would meet the City's priorities for transportation investment; and

WHEREAS, the list of selected projects includes both new and previously proposed and adopted (Re-listed) projects that will be partially or solely funded with the RMRA FY 24/25 allocation. With the relisting of previously proposed and adopted projects and inclusion of new projects in this resolution, the City is reaffirming the public and the State the City's intent to fund these projects with Road Maintenance and Rehabilitation Account revenues; and

WHEREAS, the City of Livingston's FY 2024/2025 allocation for RMRA funding is estimated at \$364,870 and the City intends to appropriate these funds on its FY 24/25 Budget; and

WHEREAS, the City's FY 2024/2025 allocation will be appropriated to the eligible projects listed below and as shown on Exhibit 1:

1. Winton Parkway Rehabilitation (from Joseph Gallo Drive to SR 99) – **Re-listed**

2. Hammatt Avenue Rehabilitation (from Campbell Boulevard to SR 99) – **Re-listed**
3. Stefani Avenue Rehabilitation (from Davis to Campbell Boulevard) – **Re-listed**
4. Main (Lincoln) Street Rehabilitation (from Peach to New Castle Drive) – **New**
5. 4th Street Rehabilitation (from Park to F Street) – **New**
6. Main Street Rehabilitation (from E to I Street) - **New**; and

WHEREAS, the above listed projects and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive benefits for the City of Livingston and its residents; and

WHEREAS, the City is required to submit to the California Transportation Commission by July 1, 2024, or as extended by the Commission, the FY 2024/2025 List of Eligible projects and a resolution that shows these projects were approved to receive FY 24/25 SB 1 funds; and

WHEREAS, funding recipients must prepare an annual report to indicate expenditure levels and completion status for each proposed project on a fiscal year basis.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Livingston as follows:

Section 1. The City Council approves the above proposed FY 2024/2025 List of eligible projects to receive funding from the Road Maintenance and Rehabilitation Account.

Section 2. The FY 24/25 SB 1 funds will be appropriated on the City's FY 24/25 Budget.

Section 3. The Interim City Manager is hereby authorized and directed to submit to the California Transportation Commission the Project List and Annual Expenditure Report for FY 2024/2025 RMRA Funding.

Section 4. This resolution will become effective immediately.

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I hereby certify that the foregoing Resolution No. 2024-__ is a full, true and correct copy of a resolution duly passed and adopted by City Council of the City of Livingston at a regular meeting thereof duly held on 4th day of June 2024, by the vote recorded as follows:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Jose A. Moran, Mayor
of the City of Livingston

ATTEST:

Monica Cisneros, Deputy City Clerk
of the City of Livingston

APPROVED AS TO LEGAL FORM

Roy C. Santos, City Attorney

Local Streets and Roads Program

Agency Name:		Agency Contact:	
Livingston		Christopher Lopez	
		(209) 394-8041	
LoCode:	5256	clopez@livingstonca.gov	

FY
24/25

Summary of Proposed Project List

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/dd/yyyy)		Estimated Useful Life (# of yrs)	
				Pre-Construction	Construction	Min.	Max.
PP01	Winton Parkway Rehabilitation (Re-listed)	Roadway rehabilitation	In the City of Livingston between Joseph Gallo Drive and SR 99	08/2025	08/2026	10	20
PP02	Hammatt Avenue Rehabilitation (Re-listed)	Roadway rehabilitation	In the City of Livingston between Campbell Boulevard and SR 99	08/2025	08/2026	10	20
PP03	Stefani Avenue Rehabilitation (Re-listed)	Reconstruction of the roadway structural section	In the City of Livingston between Davis Street and Campbell Boulevard	08/2026	08/2027	10	20
PP04	Main (Lincoln) Street Rehabilitation (New)	Pulverize and repave roadway	In the City of Livingston between Peach Avenue and Newcastle Drive	08/2024	08/2025	10	20
PP05	4th Street Rehabilitation (New)	Pulverize and repave roadway	In the City of Livingston between Park Street and F Street	08/2024	08/2025	10	20
PP06	Main Street Rehabilitation (New)	Pulverize and repave roadway	In the City of Livingston between E Street and I Street	08/2025	08/2026	10	20
PP07							
PP08							
PP09							
PP10							
PP11							
PP12							
PP13							
PP14							
PP15							
PP16							
PP17							
PP18							
PP19							
PP20							
PP21							



STAFF REPORT

AGENDA ITEM: Discussion and Direction on Submitting a Ballot Measure at the General Election Regarding Changing the Positions of City Clerk and City Treasurer from Elective to Appointive Positions.

MEETING DATE: June 4, 2024

PREPARED BY: Christopher Lopez, Interim City Manager

REVIEWED BY: Roy Santos, City Attorney

RECOMMENDATION:

Discussion and Direction on Submitting a Ballot Measure at the General Election Regarding Changing the Positions of City Clerk and City Treasurer from Elective to Appointive Positions.

BACKGROUND:

On December 5, 2023, the Mayor and City Council adopted an Ordinance clarifying the duties and responsibilities of the Elected City Clerk. Prior to the adoption of the ordinance, the City Clerk's responsibilities were codified in the State Code.

The ordinance created and established the Office of the City Clerk with the responsibilities clearly articulated within the Ordinance. This ordinance is attached for reference.

During the lead up to this discussion, the Council also discussed whether having an elected City Clerk was the best option for the City of Livingston.

During the December 5, 2023, meeting, the City Council directed staff to explore the opportunity to go to an appointed City Clerk versus an elected City Clerk. The Council posed the following question during that meeting:

Question:

What would happen to the newly elected city clerk since they are up for re-election on November 2024 if the citizens agree to make the position appointed instead of elected?

Answer:

The new city clerk would serve out their term of 4 years as would the treasurer. After that, no more elections.

Staff is seeking direction on whether the Council has any additional questions regarding this matter, or whether it would like staff to prepare the necessary information to include this in the November 2024 Ballot.

Based on the County Registrar's Ballot Measure Calendar, the recommended timeline states that the items should be filed with the Registrar between July 8—July 26.

Options

The Mayor and City Council may direct staff may do any of the following;

1. Develop necessary items to ask City voters to determine whether they would like to continue electing the City Clerk.
2. Develop necessary items to ask City voters to determine whether they would like to continue electing the City Treasurer.
3. Develop the necessary items to ask City voters to determine whether they would like to continue electing the City Clerk and City Treasurer.
4. Direct staff to take no action.
5. Provide alternative direction.

ATTACHMENTS:

1. Draft Resolution Submitting a Measure to the Voters Regarding Changing the Offices of City Clerk and City Treasurer from Elected Positions to Appointed Positions at the City's General Election, which is Consolidated with the Statewide General Election to be Held on November 5, 2024, and Requesting the County Add the Measure to the Ballot at the Consolidated Statewide General Election.
2. Measure Calendar
3. Ordinance No. 652

RESOLUTION NO. 2024-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CITY OF LIVINGSTON SUBMITTING A MEASURE TO THE VOTERS REGARDING CHANGING THE OFFICES OF CITY CLERK AND CITY TREASURER FROM ELECTED POSITIONS TO APPOINTED POSITIONS AT THE CITY'S GENERAL ELECTION, WHICH IS CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, AND REQUESTING THE COUNTY ADD THE MEASURE TO THE BALLOT AT THE CONSOLIDATED STATEWIDE GENERAL ELECTION

WHEREAS, the California Government Code requires general law cities such as the City of City of Livingston (the "City") to maintain the positions of City Clerk and Treasurer; and

WHEREAS, the City Council of the City ("City Council") desires that the positions of City Clerk and City Treasurer be changed from elected positions to positions appointed by the City Council; and

WHEREAS, pursuant to Government Code Sections 36508-36510, the City Council may submit to the voters the question of whether the position of City Clerk and City Treasurer shall be elected or appointed by the City Council; and

WHEREAS, if the majority of the votes cast on the propositions regarding the City Clerk and City Treasurer is for converting the positions to appointive positions, the City Council shall appoint such officers upon the expiration of the terms of the City Clerk and City Treasurer commencing in November/December 2024 and ending in November/December 2028; and

WHEREAS, it is the desire of the City Council to submit to the voters at the General Municipal Election on November 5, 2024, which is consolidated with the Statewide General Election to be held on November 5, 2024 the question of whether the City Clerk and City Treasure shall be appointive positions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livingston hereby resolves and orders as follows:

Section 1. That pursuant to the requirements of the laws of the State of California relating to the conduct of elections and Government Code Sections 3508 and 3510, there is to be submitted at the general election called and ordered to be held in the City of Livingston, on Tuesday, November 5, 2024, a measure attached hereto as Exhibit A attached hereto and by this reference incorporated herein, ("Exhibit A") for the purpose of changing the positions of City Clerk and City Treasurer from elected to appointive positions to the qualified voters of the City. The forms of the question to appear on the ballot are specified below in Section 2 of this Resolution. The City Manager is hereby authorized and directed to make any changes to the text of the measure, or this resolution as required to conform to any requirements of law.

Section 2. That pursuant to the requirements of Section 10403 of the Elections Code of the State of California, the City Council has requested that the Board of Supervisors of the County of Merced to consent and agree to the consolidation of the Municipal Election with the Statewide General Election on Tuesday, November 5, 2024, and the City Council hereby requests that the Board of Supervisors add the questions below to the ballot:

Measure ___ APPOINTIVE CITY TREASURER Shall the office of the city treasurer be appointive?	Yes
	No

Measure ___ APPOINTIVE CITY CLERK Shall the office of the city clerk be appointive?	Yes
	No

Section 3. That pursuant to the provisions of Section 10002 of the Elections Code of the State of California, the City Council has requested pursuant to Resolution No. ___ and hereby requests the Board of Supervisors of the County of Madera to permit the County Election Department/Registrar of Voters to conduct the General City Election and consolidate it with the Statewide General Election to be held on November 5, 2024, including the ballot measure question described herein.

Section 4. That in accordance with the requirements of Division 9, Chapter 3, Article 4 of the California Elections Code, all written arguments for or against the measure: (1) shall not exceed three hundred (300) words in length; (2) shall be filed with the City Clerk; (3) shall be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of the principal officers who is the author of the argument; and (4) shall be accompanied by the Form of Statement to be Filed by Author(s) of Argument as provided for in California Elections Code § 9600. All written arguments may be changed or withdrawn until and including the date fixed by the City Clerk, being the close of business on _____, after which time no arguments for or against the measure may be submitted to the City Clerk. The dates may correspond with any dates for the consolidated election.

Section 5. That the City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. In accordance with California Elections Code § 9280, the City Attorney is hereby directed to prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, showing the effect of the measure on the existing law and the operation of the measure. The 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 governing body of the city. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows: "The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the City Clerk's office at (insert telephone number) 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. The dates may correspond with any dates for the consolidated election.

Section 6. That pursuant to Elections Code § 9285, when the City's designated elections official has selected the arguments for and against the foregoing measure which will be printed and distributed to the voters, the City's designated elections official shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The author or a majority of the authors of an argument relating to the foregoing city measure may prepare and submit a rebuttal argument not to exceed two hundred and fifty (250) words in length. A rebuttal argument may not be signed by more than five (5) authors. The rebuttal arguments shall be filed with the City Clerk not later than the close of business on _____. The rebuttal arguments shall be accompanied by the Form of Statement to be Filed by Author(s) of Argument as provided for in California Elections Code § 9600. Rebuttal arguments shall be printed in

the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut. The dates may correspond with the consolidated election.

Section 7. That the City Clerk shall cause the City Attorney's Impartial Analysis, and arguments and rebuttals to be transmitted to the County, to be printed and distributed to voters in accordance with State law regarding same.

Section 8. That the City Clerk is authorized, instructed and directed to procure and furnish to the County, if requested, 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 in accordance with the Elections Code and the laws of the State of California. That the notice of time and place of holding of the election is hereby given and the city clerk is authorized, instructed and directed to give further or additional notice as required by law.

Section 9. That the Consolidated Election shall be held in accordance with Elections Code 10203 and 10418.

Section 10. That the County Election Department is authorized to canvass the returns of the ballot questions/measures. The election shall be held in all respects as if there were only one election, and one form of ballot shall be used.

Section 11. That the electorate vote requirement for the measures to pass is a majority (50%+1) of the votes cast on each measure at the November 5, 2024, consolidated election.

Section 12. That pursuant to Elections Code Section 10002 City Council hereby requests the Board of Supervisors of the County to permit the county elections official to renders specified services to the City relating to the conduct of the election. Such services shall include and not be limited to the preparation of all of the City's election materials.

Section 13. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved invoice.

Section 14. The City Clerk is hereby directed to forward a certified copy of this resolution to the County Election Department.

Section 15. This Resolution will become effective immediately.

I hereby certify that the foregoing Resolution No. 2024-___ is a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Livingston at a regular meeting thereof duly held on the 4th day of June 2024, by the vote recorded as follows:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Jose A. Moran, Mayor
Of City of Livingston

ATTEST

Monica Cisneros, Deputy City Clerk

APPROVED AS TO LEGAL FORM

Roy C. Santos, City Attorney

DRAFT

Exhibit A

Ordinance No.

AN INITIATIVE ORDINANCE OF THE CITY OF LIVINGSTON CHANGING THE OFFICES OF THE CITY TREASURER AND CITY CLERK FROM ELECTIVE TO APPOINTIVE POSITIONS

THE PEOPLE OF THE CITY OF LIVINGSTON DO ORDAIN AS FOLLOWS:

SECTION 1. The office of City Treasurer shall be changed from elective to appointive pursuant to California Government Code section 36508.

SECTION 2. The office of City Clerk shall be changed from elective to appointive pursuant to California Government Code section 36508.

SECTION 3. This ordinance shall take effect as provided in §9217 of the Elections Code of the State of California.

SECTION 4. The City Clerk shall publish this ordinance according to law.

DRAFT

Measure Calendar in Brief

Presidential General Election November 5, 2024

Registrar of Voters Recommended Timeline			Election Code Deadlines		
Filed by July 8, 2024 – July 26, 2024			Filed by July 27, 2024 – August 9, 2024		
07/08 – 07/26 E-120 – E-102	Recommended time frame for local ordinances, resolutions, tax rate statement for bond measure or orders for calling an election to be filed with the Registrar of Voters office.	EC § 10401, 10402, 10403	07/27 – 08/09 E-101 – E-88	Deadline for local ordinances, resolutions, tax rate statement for bond measure or orders for calling an election to be filed with the Registrar of Voters office.	EC § 10401, 10402, 10403
08/02 E-95	Impartial analysis due from County Counsel for measures. Not to exceed 500 words in length.	EC § 9160, 9280, 9500	08/16 E-81	Impartial analysis due from County Counsel for measures. Not to exceed 500 words in length.	EC § 9160, 9280, 9500
08/12 E-85	Deadline to submit Arguments IN FAVOR OF or AGAINST a local measure. Not to exceed 300 words in length.	EC § 9162, 9163, 9282, 9315	08/19 E-78	Deadline to submit Arguments IN FAVOR OF or AGAINST a local measure. Not to exceed 300 words in length.	EC § 9162, 9163, 9295, 9509
08/13 – 08/22 E-84 – E-75	10-calendar day public review period for Arguments IN FAVOR OF or AGAINST any measure. During this 10-calendar day review period, any person may seek Writ of Mandate or injunction requiring any or all of the material in the Argument IN FAVOR OF or AGAINST to be amended or deleted. All Writs of Mandate must be filed by the end of the 10-calendar day public examination period.	EC § 9163, 9190, 9295, 9509	08/20 – 08/29 E-77 – E-68	10-calendar day public review period for Arguments IN FAVOR OF or AGAINST any measure. During this 10-calendar day review period, any person may seek Writ of Mandate or injunction requiring any or all the material in the Argument IN FAVOR OF or AGAINST to be amended or deleted. All Writs of Mandate must be filed by the end of the 10-calendar day public examination period.	EC § 9163, 9190, 9295, 9509
08/19 E-78	Deadline to submit Rebuttals to Arguments IN FAVOR OF or AGAINST a measure argument. Not to exceed 250 words in length.	EC § 9167, 9317, 9504	08/23 E-74	Deadline to submit Rebuttals to Arguments IN FAVOR OF or AGAINST a measure argument. Not to exceed 250 words in length.	EC § 9167, 9317, 9504
08/20 – 08/29 E-77 – E-68	10-calendar day public review period for Rebuttals to Arguments IN FAVOR OF or AGAINST any measure. During this 10-calendar day review period, any person may seek Writ of Mandate or injunction requiring any or all of the material in the Rebuttals to Arguments IN FAVOR OF or AGAINST to be amended or deleted. All Writs of Mandate must be filed no later than the end of the 10-calendar day public examination period.	EC § 9167, 9190, 9295, 9509	08/24 – 09/02 E-73 – E-64	10-calendar day public review period for Rebuttals to Arguments IN FAVOR OF or AGAINST any measure. During this 10-calendar day review period, any person may seek Writ of Mandate or injunction requiring any or all the material in the Rebuttals to Arguments IN FAVOR OF or AGAINST to be amended or deleted. All Writs of Mandate must be filed no later than the end of the 10-calendar day public examination period.	EC § 9167, 9190, 9295, 9509

Documents will be printed as submitted. Spelling, punctuation, and grammatical errors will not be corrected by the Elections Official.

Code sections cited are for reference only and are not all-inclusive.

ORDINANCE NO. 652

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON AMENDING
CHAPTER 7, OF TITLE 1, ESTABLISHING SECTION 1-7-6 CITY CLERK
RESPONSIBILITIES AND SECTION 1-7-7 DEPUTY CITY CLERK RESPONSIBILITIES OF
THE LIVINGSTON MUNICIPAL CODE**

WHEREAS, the City of Livingston ("the City") has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City, California Constitution Article XI, section 7; and

WHEREAS, pursuant to the City's express statutory authority and its inherent police power, the City desires to enact reasonable regulations for the City Clerk and Deputy City Clerk.

NOW THEREFORE, the City Council of the City of Livingston does hereby ordain as follows:

SECTION 1. The above recitals are incorporated are hereby by reference.

SECTION 2. The Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment. (CEQA Guidelines, § 15061(b)(3).) Further, the adoption and implementation of this Ordinance is not a project, as defined in CEQA Guidelines section 15378, because it has no potential for resulting in physical change to the environment, either directly or indirectly, and is therefore not subject to environmental review under CEQA pursuant to CEQA Guidelines section 15060(c)(3).

SECTION 3. Chapter 7, of Title 1, of the Livingston Municipal Code is hereby amended to establish section 1-7-6 and section 1-7-7 to read in their entirety as follows:

Chapter 7

CITY OFFICERS AND EMPLOYEES

Section 1-7-6 City Clerk Responsibilities.

The office of City Clerk is created and established pursuant to Government Code section 40801 et seq. Any bond necessary for the performance of the City Clerk's duties shall be paid by the City if executed by a surety company duly authorized to do business within the State of California. The surety bond for the City Clerk shall also include and encompass activities by any Deputy City Clerk appointed by the City Clerk. The City Clerk shall have only those responsibilities as provided within this Section and the principal functions of the City Clerk shall be to:

A. Attend all regular meetings of the City Council except when excused by the governing state law, opinions and/or regulations, and be responsible for the timely recording and maintaining of a record of all the actions of the City Council;

B. Keep all ordinances and resolutions of the City Council in such a manner that the information contained therein will be readily accessible and open to the public. The City Clerk shall attest to each resolution and ordinance adopted by the City Council and, as to ordinances requiring publication, that the ordinance has been published or posted in accordance with law;

C. Prepare requirements, schedule and maintain all records of the Council and of the office of the City Clerk, and prepare the records retention schedule for City departments in such

manner that the information contained therein will be readily accessible and open to the public pursuant to the California Public Records Act, Government Code Section 7920.000 et seq., until such time as any of the records may be destroyed or reproduced and the original destroyed, in accordance with State law;

- D. Serve as the official custodian of all City records;
- E. Receive, organize, prepare and reply to requests regulated by the California Public Records Act;
- F. Serve as custodian of the seal of the City;
- G. Prepare the City Council agendas, in conjunction with and under the direction of the City Manager;
- H. Perform the duties prescribed by the Elections Code in conducting municipal elections;
- I. Perform the duties imposed upon city clerks by the California Political Reform Act;
- J. Be responsible for the maintenance and distribution of the City's Municipal Code;
- K. Receive and forward to appropriate departments all claims filed against the City and its officers, agents or employees, pursuant to the provisions of the Tort Claims Act, Government Code Section 900 et seq.;
- L. Administer all official oaths of office;
- M. Certify all official records of the City;
- N. Display decorum and conduct befitting a holder of a public office; work cooperatively and positively with employees, managers, commissioners and members of the public; maintain exceptional customer service at all times;
- O. The City Clerk shall appoint a Deputy City Clerk upon agreement with the City Manager; and
- P. Perform such other duties as assigned.

Section 1-7-6 Deputy City Clerk Responsibilities.

The Deputy City Clerk shall be supervised by the City Manager and perform those functions as established within the Deputy City Clerk job duties adopted by the City and which may change from time-to-time.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 5th day of December

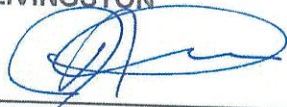
2023, and adopted the Ordinance after the second reading at a regular meeting held on the 19th day of December 2023, by the following roll call vote:

AYES: Mayor Moran and Council Members Roth, Mann, Baptista-Soto, and Samra
NOES: None
ABSENT: None
ABSTAIN: None


ATTEST


MONICA CISNEROS, Deputy City
Clerk

CITY OF LIVINGSTON

By: 
JOSE MORAN, Mayor

APPROVED AS TO FORM:

By: 
ROY C. SANTOS, City Attorney
Aleshire & Wynder, LLP

I, MUCIO VERA JR., City Clerk of the City of Livingston, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Livingston on the date and by the vote indicated herein.



STAFF REPORT

AGENDA ITEM: Discussion and Direction on Submitting a Ballot Measure at the General Election Regarding a Potential Revenue Measure

MEETING DATES: June 4, 2024

PREPARED BY: Christopher Lopez, Interim City Manager

RECOMMENDATION:

Discussion and Direction on Submitting a Ballot Measure at the General Election Regarding a Potential Revenue Measure

BACKGROUND:

The City of Livingston has been advised by the County of Merced that they will need to increase staffing at its various stations to 2-0 staffing (two personnel on duty 24/hours day and 7 days/week). Nine out of 19 County fire stations lack this minimum staffing level. As a result of 2-0 staffing, and of the shifts worked by CalFire personnel, there are three different shifts needed to provide adequate staffing at the 2-0 level. This staffing factor is identified as 3.0. Multiplying the two personnel for the three shifts requires six total personnel to staff the station at a 2-0 level.

In order to achieve the 2-0 staffing level, the County has advised the City that it will need to provide an additional \$750,000 to cover the increased cost for the additional staffing required. Since the City does not have \$750,000 in available revenue to support this request, on August 5, 2023, the Council appointed Mayor Pro-Tem Gurpal Samra and Councilmember Jason Roth to an Ad-Hoc Committee to review a potential sales tax measure for the City of Livingston.

The Ad-Hoc Committee has met multiple times and reviewed preliminary information related to a potential sales tax measure and requested that staff obtain proposals for firms that could do polling to determine the public's sentiment regarding a potential sales tax measure. On February 6, 2024, the City Council authorized the Interim City Manager to execute an agreement with Public Opinion Strategies to do the polling for the community at a cost of \$13,000.

On May 7, 2024, the Merced County Board of Supervisors approved the closure of Livingston Station 96 effective October 1, 2024. While the County has applied for a SAFER grant which would fund the additional personnel for a limited time, the City does not have the available revenues to support the additional personnel required. This means that in the absence of new funding, the city does not have recurring revenues to support the ongoing revenues for additional personnel. In the absence of this additional funding, the city will be left without staffing for the fire station in the community.

During the week of May 15—22, 2024, 100 registered Livingston voters were polled, and the findings presented to the Mayor and City Council. The results of that poll have been included in the agenda backup for the Council's reference.



STAFF REPORT

Based on preliminary information from the City's sales tax consultant, a 1% sales tax measure would generate approximately \$2M in ongoing revenue for the City Council to allocate towards future Fire Department expenses.

DISCUSSION:

As presented by the City's consultant, there are various items that polled well with the community including the following:

1. Maintaining emergency response times
1. Fixing potholes and better maintaining streets
2. Providing fire fighter safety gear
3. Keeping the fire station within the City

With this information, the Council could direct the City Attorney's Office to develop proposed ballot language that incorporates the elements of the polling results. The Council could also direct staff to work collaboratively with its consultant and the City Attorney to craft ballot language based on the results of the polling.

The Council may also wish to discuss the differences between a special tax measure and a general tax measure. In its simplest form, General taxes are for unrestricted general fund purposes and uses. Special taxes may only be used for particular items listed in the special tax. The council cannot specify in its ballot measure what the general taxes will be used for except for unrestricted purposes. The council will determine what it is used for after it is voted in by the electorate through its budgeting process. A special tax can only be used for specific purposes.

Policy Discussion Areas:

Additionally, some jurisdictions have incorporated practices to ensure the city is transparent in its management of proposed revenues and expenditures. These are oftentimes included in the following ways:

1. Citizen oversight committee
2. Ensuring that the revenues and expenditures are audited in the same manner as other general fund revenues (incorporated into the City's normal audit process)
3. Additional level of outside review including "Agreed Upon Procedures" review of revenues and expenditures to be completed by an auditing firm

Finally, it is recommended that the Council provide direction on whether it wishes to retain a professional to do education and information sharing for the community to provide as much information as possible to the community regarding this ballot initiative.

The Council should provide direction on the following:

1. Does the Council wish to direct the City Attorney's Office to develop the necessary documents for a potential sales tax measure to appear on the November ballot?
2. If so, does it wish it to be a general or special tax measure?
3. If yes to 1, does the Council wish to retain a firm to inform and educate the public on the potential sales tax measure?



STAFF REPORT

4. If yes to 1, does the Council wish to have ballot language crafted with input from the polling consultant and the City Attorney's Office?
5. Length of term for the measure (sunset vs. no sunset)
6. Any items from the Policy Discussion Areas

ALTERNATIVES:

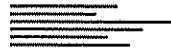
The Council can choose not to proceed with this item. In the absence of this measure, or other new recurring revenues, the City will not be able to sustain additional expenditures for Fire services beyond the use of its emergency reserves.

ATTACHMENTS:

1. Public Opinion Strategies Polling results
2. Draft Resolution Submitting to the Voters at the General Municipal Election to be Consolidated with the Statewide General Election Held on Tuesday, November 5, 2024, and Ordinance Adopting a Transaction and Use Tax.

CITY OF LIVINGSTON SURVEY

Interview Schedule



PUBLIC OPINION STRATEGIES

turning questions into answers

May 15-22, 2024

Project #: 240175

N=100 Registered Voters

Margin of Error = ±9.8%

An asterisk (*) in a response category means that less than 0.5% of respondents chose that response category and a dash (-) represents no response.

Note: due to rounding, some figures may be higher or lower by less than one-half of one percent.

Getting started...

1. Generally speaking, do you think things in the City of Livingston are headed in the right direction or are they pretty seriously off on the wrong track?

55% Right Direction

34% Wrong Track

11% Don't Know (**DO NOT READ**)

– Refused (**DO NOT READ**)

2. Next, do you approve or disapprove of the job the Livingston City leadership is doing?

59% Approve

27% Disapprove

14% Don't Know (**DO NOT READ**)

– Refused (**DO NOT READ**)

3. And, do you agree or disagree with the following statement:

The City of Livingston's government is responsive to its citizens.

(IF AGREE/DISAGREE, ASK:) And would you say you STRONGLY (AGREE/DISAGREE) or just SOMEWHAT (AGREE/DISAGREE)?

74% TOTAL AGREE

21% TOTAL DISAGREE

20% Strongly Agree

54% Somewhat Agree

10% Somewhat Disagree

11% Strongly Disagree

5% Don't Know (**DO NOT READ**)

– Refused (**DO NOT READ**)

Thinking about some issues...

4. Which of the following issues do you believe should be the top priority for elected officials in the City of Livingston? **(RANDOMIZE)**

- 24% Managing the city's growth and development
 - 22% Improving the quality of public education
 - 21% Fighting crime and illegal drugs
 - 17% Holding down taxes and fees
 - 10% Improving traffic and transportation

 - 1% Other **(SPECIFY:_____)** **(DO NOT READ)**
 - 5% All of the Above **(DO NOT READ)**
 - None of the Above **(DO NOT READ)**
 - Don't Know **(DO NOT READ)**
 - Refused **(DO NOT READ)**
-

Moving on...

5. There may be a proposal on the ballot in November that would raise the sales tax in Livingston by one-percent in order to raise approximately two million dollars in new revenue that would go towards the city's emergency response, primarily to increase staffing at the local fire department. If the election were being held today, would you vote yes or no on this proposal?

(IF CHOICE, ASK:) And would you DEFINITELY vote (yes/no) or just PROBABLY vote (yes/no)?

(IF UNDECIDED, ASK:) Do you LEAN towards voting yes or no?

39% TOTAL YES

39% TOTAL NO

23% TOTAL LEAN/UNDECIDED

26% Definitely Yes

13% Probably Yes

4% Lean Yes

13% Hard Undecided / Don't Know **(DO NOT READ)**

5% Lean No

6% Probably No

33% Definitely No

– Refused **(DO NOT READ)**

The County of Merced has notified the City that without additional funding, the County will close the Fire Station. I would like to read you a couple proposals being considered to replace the existing county-run fire station. After I read each one, please tell me if you support or oppose that proposal. The (first/next) one is...(RANDOMIZE)

(IF SUPPORT/OPPOSE, ASK:) And is that STRONGLY (support/oppose), or just SOMEWHAT (support/oppose)?

	Total Support	Total Oppose	Strongly Support	Somewhat Support	Somewhat Oppose	Strongly Oppose	DK	Ref
6. The City of Livingston creating its own Fire Department separate and apart from Merced County.	76%	14%	37%	38%	9%	6%	10%	–
7. A separate contractor, outside of the County of Merced, providing fire services to the City of Livingston.	46%	48%	14%	32%	19%	29%	6%	–

Next, I'm going to read you some specific things which MIGHT be funded by the increase in the sales tax. Some of these may sound similar so please listen carefully and tell me how important each one is to you personally. Is it **(ROTATE TOP TOP BOTTOM, BOTTOM TO TOP)** extremely important, very important, somewhat important or not very important to ensure funding is dedicated to that purpose. The **(FIRST/NEXT)** one is... **(RANDOMIZE)**

	Total Important	Total Not Important	Extremely Important	Very Important	Somewhat Important	Not Very Important	DK	Ref
RANKED BY % TOTAL IMPORTANT								
9.	75%	25%	40%	34%	18%	7%	–	–
12.	72%	27%	29%	43%	24%	3%	1%	–
10.	71%	27%	33%	38%	15%	12%	2%	–
13.	71%	26%	26%	45%	16%	10%	2%	–
11.	61%	39%	30%	31%	26%	13%	–	–
17.	61%	37%	22%	39%	30%	7%	1%	–
16.	59%	40%	27%	32%	25%	15%	1%	–
14.	57%	43%	22%	35%	35%	8%	–	–
8.	55%	43%	23%	32%	39%	4%	1%	1%
18.	48%	49%	19%	29%	33%	16%	3%	*
15.	46%	54%	16%	29%	36%	19%	–	–

Next, I'd like to read you some information about this proposal. After I read each statement, please tell me whether it makes you more likely or less likely to support this proposal. The (FIRST/NEXT) one is... (RANDOMIZE)

(IF MORE LIKELY/LESS LIKELY, ASK:) And does that make you MUCH (more/less) likely or just SOMEWHAT (more/less) likely to vote for it?

Total More	Total Less	Much More	Smwt More	Smwt Less	Much Less	No Diff	DK	Ref
---------------	---------------	--------------	--------------	--------------	--------------	------------	----	-----

RANKED BY % TOTAL MORE LIKELY

- | | | | | | | | | | |
|-----|---|-----|-----|-----|-----|-----|-----|----|----|
| 21. | This proposal will allow first responders to have additional new equipment and tools, such as safety gear and communication equipment, they need to respond to emergencies faster and keep Livingston residents safe. | | | | | | | | |
| | 79% | 9% | 36% | 42% | 6% | 4% | 10% | 1% | 1% |
| 19. | The State of California is forcing the city's hand. If we don't raise additional funding, the state will force the City of Livingston to relocate our fire station outside the city, which would increase response times and put lives at risk. | | | | | | | | |
| | 69% | 12% | 24% | 46% | 7% | 5% | 17% | 1% | 1% |
| 20. | This proposal will raise additional funds which will help the city add new amenities, such as a new recreational facility and additional walking paths, that will provide more recreation opportunities for the entire community. | | | | | | | | |
| | 60% | 23% | 28% | 33% | 17% | 6% | 15% | 1% | 1% |
| 22. | At a time when families are already paying more for everyday items such as groceries and struggling to make ends meet, the last thing we need to do is raise taxes even more. | | | | | | | | |
| | 43% | 35% | 16% | 27% | 19% | 16% | 17% | 3% | 1% |

Now that you have some more information...

23. If the election were being held today, would you vote yes or no on this proposal that would raise the sales tax in Livingston by one-percent in order to raise approximately two million dollars in new revenue that would go towards the city's emergency response, primarily to increase staffing at the local fire department?

<u>INIT</u>	<u>INF</u>	
39%	56%	Yes
39%	31%	No
23%	13%	Hard Undecided / Don't Know (DO NOT READ)
-	-	Refused (DO NOT READ)

Now, I have just a few questions for statistical purposes only...

D1. In what year were you born?

38%	18 - 34
19%	35 - 44
13%	45 - 54
12%	55 - 64
18%	65+

D2. Gender **(BY OBSERVATION)**

50%	Male
50%	Female

D3B. What is the last grade that you completed in school? **(PHONES: DO NOT READ CHOICES)**

25%	TOTAL HS OR LESS
30%	TOTAL SOME COLLEGE
45%	TOTAL COLLEGE+
1%	Grade School
4%	Some High School
20%	High School Graduate
7%	Some College, No Degree
6%	Vocational Training/School
17%	2-year College Degree
36%	4-year College/Bachelor's Degree
2%	Some Postgraduate Work, No Degree
4%	2-3 Years Postgraduate Work/Master's Degree
3%	Doctoral/law Degree (E.g. PhD, MD, JD)
–	Don't Know (DO NOT READ)
–	Refused (DO NOT READ)

D4B. Regardless of how you may feel today, are you REGISTERED to vote as...(ROTATE)

a Republican,
a Democrat,
or something else?

(IF REPUBLICAN OR DEMOCRAT, ASK:) Would you call yourself a STRONG (REPUBLICAN/DEMOCRAT) or a NOT-SO-STRONG (REPUBLICAN/ DEMOCRAT)?

(IF SOMETHING ELSE, ASK:) Do you think of yourself as closer to the Republican or to the Democratic party?

12% TOTAL REPUBLICAN
48% TOTAL DEMOCRAT
36% TOTAL LEAN/INDEPENDENT

12% Strong Republican
– Not-so-strong Republican

1% Lean to Republicans
31% Unaffiliated / Independent / Something Else
4% Lean to Democrats

17% Not-so-strong Democrat
32% Strong Democrat

4% Don't Know (DO NOT READ)
– Refused (DO NOT READ)

D4C. Party from file.

16% Republican
53% Democrat
28% Independent/Unaffiliated/Decline to State
3% All Other Parties

D5A. Generally speaking, do you consider yourself to be **(ROTATE TOP TO BOTTOM/BOTTOM TO TOP)** conservative, moderate or liberal on most issues?

FOLLOW-UP FOR PHONES AND TTW

(IF CONSERVATIVE/LIBERAL, ASK:) And would you say you are VERY (CONSERVATIVE/LIBERAL) or just SOMEWHAT (CONSERVATIVE/LIBERAL)?

26% TOTAL CONSERVATIVE

34% TOTAL LIBERAL

13% Very Conservative

12% Somewhat Conservative

40% Moderate

18% Somewhat Liberal

16% Very Liberal

– Don't Know **(DO NOT READ)**

– Refused **(DO NOT READ)**

D6A. And, what is your main racial or ethnic heritage? Is it... **(READ LIST SLOWLY BEFORE ACCEPTING ANSWER, THEN ACCEPT ONE RESPONSE ONLY)**

63% Hispanic or Latino

22% Asian

8% Caucasian or White

1% African American or Black

1% Native American or American Indian

2% Other/Mixed Race **(SPECIFY:_____)** **(DO NOT READ)**

– Don't Know **(DO NOT READ)**

2% Refused **(DO NOT READ)**

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, CALIFORNIA,
SUBMITTING TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE
CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION HELD ON TUESDAY,
NOVEMBER 5, 2024, AN ORDINANCE ADOPTING A TRANSACTION AND USE TAX**

WHEREAS, the City Council of the City of Livingston ("City") desires to submit to the voters a measure introducing a Transactions and Use Tax ("Sales Tax") of one percent (1%) on the sale of all tangible personal property sold at retail in the City; and

WHEREAS, the Sales Tax will sunset automatically on ____ [describe term]; and

WHEREAS, the City Council desires to present such general sales tax to the qualified voters at the next regularly scheduled general election; and

WHEREAS, the City Council has passed Resolution No. ____ on ____, 2024 calling a general municipal election for the purpose of electing [two (2) members] of the City Council, and requesting that the general municipal election be consolidated with the Statewide general election to be held on Tuesday, November 5, 2024, and requesting that the Board of Supervisors of the County of Merced direct the Registrar of Voters/ Election Department to take any and all necessary steps to conduct the consolidated election; and under the provisions of the laws relating to cities in the State of California, a General Municipal Election shall be held on November 5, 2024, for the election of Municipal Officers; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various federal, district, county, state and other political subdivision elections may be or have been called to be held on November 5, 2024;

WHEREAS, the City Council also desires request the County to consolidate the Sales Tax ballot measure election with the Statewide general election to be held on November 5, 2024;

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

Section 1. That the Recitals hereto are true and correct and incorporated herein by this reference.

Section 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election to be held and consolidated with the Statewide general election on Tuesday, November 5, 2024, the following question:

<p>[NAME]</p> <p>Shall the measure adopting the City of Livingston’s one-percent local sales tax for unrestricted general government uses (such as public safety, repairing local streets, and providing and maintaing parks and recreation facilities), generating approximately \$___, under local control, subject to citizen oversight, an annual audit, and expiration of the tax in __ years be adopted?</p>	<p>YES</p>
	<p>NO</p>

Section 3. That the proposed complete text of the Ordinance related to the City of Livingston ___ Measure submitted to the voters is attached hereto as Exhibit A and is hereby approved and adopted and by this reference incorporated herein.

Section 4. That the Board of Supervisors of the County of Merced is hereby requested to consent and agree to the consolidation of the election on these ballot measures and the City’s general municipal elections for councilmembers with the Statewide general election to be held on November 5, 2024, and to direct the Merced County Registrar of Voters/Election Official to take any and all necessary steps to conduct the consolidated election.

Section 5. That the Election Department of the County of Merced and Board of Supervisors/Registrar of Voters is authorized to canvass the returns of the 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.

Section 6. That the City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for its share of the costs.

Section 7. That the City Clerk is authorized, instructed and directed 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 in accordance with the Elections Code and the laws of the state of California.

Section 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and Election Department of the County of Merced.

Section 9. That the deadline for filing arguments on the ballot measures with the City Clerk of the City shall be the close of business on _____, 2024. That in accordance with the requirements of Division 9, Chapter 3, Article 4 of the California Elections Code, all written arguments for or against the foregoing measures: (1) shall not exceed three hundred (300) words in length; (2) shall be filed with the City’s elections official; (3) shall be accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of the principal

officers who is the author of the argument; and (4) shall be accompanied by the Form of Statement to be Filed by Author(s) of Argument as provided for in California Elections Code § 9600. All written arguments may be changed or withdrawn until and including the date fixed by the City's elections official, being the close of business on _____, 2024, after which time no arguments for or against the foregoing measure may be submitted to the elections official. Pursuant to Elections Code 9285, the City Council is authorized file a written argument.

That in the event that more than one argument for or against any of the foregoing measures is timely submitted, the City's elections official shall give preference and priority first, to arguments submitted by member(s) of the City Council, as authorized by this Resolution, and second, to individual voters, bona fide associations, or a combination thereof, in the order set forth at California Elections Code § 9287.

Section 10. That the deadline for filing of rebuttal arguments on the ballot measures with the City Clerk shall be at the close of business _____. Rebuttals shall not exceed 250 words in length. The rebuttal arguments shall be accompanied by the Form of Statement to be Filed by Author(s) of Argument as provided for in California Elections Code § 9600. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Section 11. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 12. That, pursuant to Elections Code Section 9280, the City Clerk is hereby directed to transmit a copy of the measures to the City Attorney. The City Attorney shall prepare an impartial analysis of the measureS, not to exceed 500 words in length, showing the effect of the measures on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk by _____. The 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 governing body of the city. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows: "The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the elections official's office/city clerk at _____ and a copy will be mailed at no cost to you."

Section 13. That City Council of Livingston hereby orders an election be called and consolidated with any and all elections also called to be held on November 5, 2024 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the requests the Board of Supervisors of the County of Merced to order such consolidation under Elections Code Section 10401 and 10403.

Section 14. That the City Council hereby requests the Board of Supervisors to permit the Merced County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services.

Section 15. That the Merced County Elections Department shall conduct the election for the measure delineated in Section 2 to be voted on at the election on November 5, 2024.

Section 16. The Elections Departments of Merced County is hereby requested not to print the attached full measure text of Exhibit A hereto in the Voter Guide, but send a copy to voters upon request at the cost of the City. The contact number to be printed in the Voter Guide is (831) 386-5971 (EC §§ 9160, 9312, 9280).

In addition, the full text will be available at the following web site address: _____.

Section 17. That the electorate vote requirement for the measure to pass is a majority (50%+1) of the votes cast on the measure at the November 5, 2024 consolidated election.

Section 18. The adoption of this Resolution is exempt from the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 et seq. ("CEQA Guidelines"). The calling and noticing of a General Municipal Election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines Section 15378. The transactions and use tax submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

Section 19. That the City Clerk and City Manager are hereby authorized to take all actions as necessary to effectuate the purposes of this resolution and the election.

Section 20. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions. This resolution shall be effective immediately.

I hereby certify that the foregoing Resolution No. 2024-___ is a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Livingston at a regular meeting thereof duly held on the 4th day of June 2024, by the vote recorded as follows:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Jose A. Moran, Mayor
Of City of Livingston

ATTEST

Monica Cisneros, Deputy City Clerk

APPROVED AS TO LEGAL FORM

Roy C. Santos, City Attorney

DRAFT

Exhibit A to Resolution No. ____

(Full Text of Ordinance Amendment)

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF LIVINGSTON
IMPOSING A TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE
ADMINISTRATION**

Now Therefore, the People of the City of Livingston do hereby ordain as follows:

Section 1. TITLE. This ordinance shall be known as the City of Livingston Transactions and Use Tax Ordinance. The city of Livingston hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Section 3. 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 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.

Section 4. 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.

Section 5. 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 one percent (1%) 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.

Section 6. 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.

Section 7. 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 one percent (1 %) 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.

Section 8. 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.

Section 9. 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, 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 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 and in the definition of that phrase in Section 6203.

1. "A retailer engaged in business in the City" 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.

Section 10. 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.

Section 11. 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 section, 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 section, 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.

Section 12. 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.

Section 13. 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.

Section 14. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 15. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

Section 16. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire _____.

I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 21st day of May 2024, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____ 2024, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST

Monica Cisneros, Deputy City Clerk

CITY OF LIVINGSTON

By: _____
Jose Moran, Mayor

APPROVED AS TO FORM

By: _____
Roy C. Santos, City Attorney

I, _____, Deputy City Clerk of the City of Livingston, California,
DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed
and adopted by the City Council of the City of Livingston on the date and by the vote indicated
herein.



STAFF REPORT

AGENDA ITEM: Discussion and Direction on the Entertainment for the 4th of July Event and Receive an Update

MEETING DATE: June 4, 2024

PREPARED BY: Christopher Lopez., Interim City Manager

RECOMMENDATION:

On May 21, 2024, the Council received a verbal update regarding the 4th of July event. Since that time, the Ad-Hoc has met multiple times and provided additional information.

On May 24, 2024, the Ad-Hoc Committee notified the City Manager's Office that the total cost of the jaripeo, and musical entertainment for Sunday July 7, 2024, would total \$12,500. The City has not received a formal proposal for this portion of the event.

Staff is seeking direction on the following:

1. Does the Council wish to authorize the City Manager's Office to execute an agreement subject to approval from the City Attorney's Office for a not to exceed amount of \$12,500 for the July 7, 2024, entertainment?
2. Does the Council wish to authorize the remainder of the July 4th events as presented in the budget?

Attachments:

1. Fireworks Street Closures
2. 4th of July Budget
3. Facilities Map

FIREWORKS SHOW DAY STREET CLOSURES



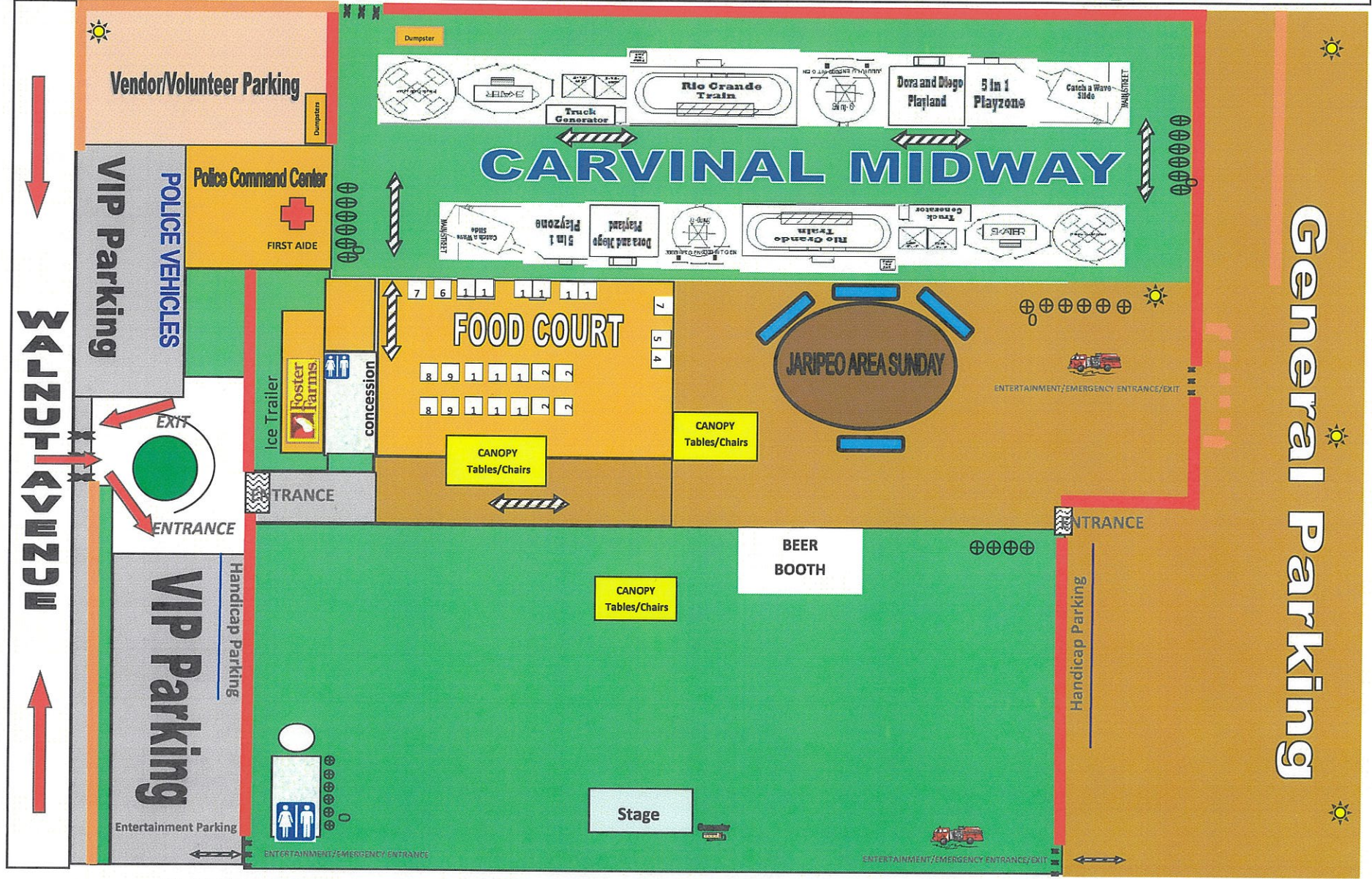
4th of July Festival
July 5th -7th
Max Foster Sports Complex

PROJECTED ACTUAL IN-KIND

SUBTOTAL	EXPENSES	\$59,250.00	\$0.00	\$0.00	
REVENUE	REVENUE	\$44,800.00	\$0.00	\$2,500.00	
GRAND TOTAL	NET EVENT PROCEEDS	-\$14,450.00	\$0.00	\$2,500.00	
Description	Vendor	Budget	Actual	In-Kind	Notes
VENUE/PERMITS/INSURANCE		\$ 2,750.00	\$ -	\$ -	
Venue (Including Electrical)		\$ -	\$ -	\$ -	
Event Organizer Permit	Merced Co. Health	\$ -	\$ -	\$ -	
Event Insurance	Winton Ireland	\$ 2,500.00	\$ -	\$ -	
Permits	ABC Stockton/City of Livingston	\$ 250.00	\$ -	\$ -	
MARKETING		\$ 5,000.00	\$ -	\$ -	
Postcards		\$ -	\$ -	\$ -	N/A
Poster 11X17			\$ -	\$ -	
Event Programs		\$ -	\$ -	\$ -	
Event T-Shirts			\$ -	\$ -	
Tickets 10,000	Eventbrite	\$ -	\$ -	\$ -	
Event Wristbands	24HourWristbands.com	\$ -	\$ -	\$ -	
Social Media		\$ 1,500.00	\$ -	\$ -	
Newspaper/Magazine		\$ 1,000.00	\$ -	\$ -	
TV		\$ -	\$ -	\$ -	
Radio Merced		\$ 2,500.00	\$ -	\$ -	
Cumulus Media Modesto/Stockton		\$ -	\$ -	\$ -	
Lazer		\$ -	\$ -	\$ -	
Billboard Ads		\$ -	\$ -	\$ -	
ENTERTAINMENT		\$ 21,500.00	\$ -	\$ -	
Friday Entertainment		\$ 4,500.00	\$ -	\$ -	
Saturday Entertainment		\$ 1,500.00	\$ -	\$ -	
Sunday Entertainment		\$ 12,500.00	\$ -	\$ -	
Riders		\$ 1,500.00	\$ -	\$ -	
DJ/MC Main Stage		\$ 1,500.00	\$ -	\$ -	
			\$ -	\$ -	
			\$ -	\$ -	
FIREWORKS SHOW		\$ -	\$ -	#####	
Fireworks		\$ -	\$ -	#####	
EQUIPMENT RENTAL		\$ 18,500.00	\$ -	\$ -	
Carnival Rides		\$ -	\$ -	\$ -	No Cost
Stage, Sound, Lighting		\$ 8,500.00	\$ -	\$ -	

Generators/Light Towers/Mu	Sunbelt Rentals	\$ -	\$ -	\$ -	
Portable Restrooms/Fencing		\$ 7,500.00	\$ -	\$ -	
Canopies, Tables, Chairs	Dora's	\$ 2,500.00	\$ -	\$ -	
Margarita Machine	Happy Hour	\$ -	\$ -	\$ -	
STAFFING		\$ 5,000.00	\$ -	\$ -	
Security Guards		\$ 5,000.00	\$ -	\$ -	
Flyer Handout		\$ -	\$ -	\$ -	
Set Up Crew Day Before		\$ -	\$ -	\$ -	
Event Crew		\$ -	\$ -	\$ -	
Tear Down Crew/Return Stuff		\$ -	\$ -	\$ -	
Set-up/Event Staff/Tear Down		\$ -	\$ -		
RAFFLE		\$ -	\$ -	\$ -	
Raffle Prizes		\$ -	\$ -	\$ -	
50/50 Raffle Payout		\$ -	\$ -	\$ -	
Raffle Tickets		\$ -	\$ -	\$ -	
FOOD/DRINKS		\$ 5,500.00	\$ -	\$ -	
Beer		\$ 3,500.00	\$ -	\$ -	
Water/Soda		\$ 1,000.00	\$ -	\$ -	
Ice		\$ 500.00	\$ -	\$ -	
Food for Bands/Volunteers		\$ 500.00	\$ -	\$ -	
OTHER		\$ 1,000.00	\$ -	\$ -	
Misc Supplies		\$ 1,000.00	\$ -	\$ -	
Event Tools/Needs		\$ -	\$ -	\$ -	
FUEL		\$ -	\$ -	\$ -	
Fuel RV	\$0.65 Cents per Mile	\$ -	\$ -	\$ -	
FUEL Generators	RV/APPAREL/OTHER	\$ -	\$ -	\$ -	
Fuel for Trucks/Vans	Vehicle Fuel	\$ -	\$ -	\$ -	
SUBTOTAL	EXPENSES	\$ 59,250.00	\$ -	\$ -	
Description	VENDOR	Estimated	Actual	IN-KIND	
SPONSORSHIPS		\$ 1,500.00	\$ -	\$ -	
City of Livingston			\$ -	\$ -	
Donaghy		\$ 1,500.00	\$ -	\$ -	
IN-KIND				#####	
La Mejor Magazine	Advertisement/Print Sponsorship	\$ -	\$ -	#####	
		\$ -	\$ -	\$ -	
TICKET SALES		\$ -	\$ -	\$ -	
Ticket Sales	NONE	\$ -	\$ -	\$ -	
CONCESSIONS		\$ 5,300.00	\$ -	\$ -	
Beer Booth	All Areas	\$ 5,000.00	\$ -	\$ -	
Water Sales	All Areas	\$ 300.00	\$ -	\$ -	

Other			\$ -	\$ -	
VENDOR BOOTHS		\$ 38,000.00	\$ -	\$ -	
Carnival	25% Advance, 30% Onsite	\$ 20,000.00	\$ -	\$ -	
Vendor Fees		\$ 18,000.00	\$ -	\$ -	
Vendor Late Fees/Deposits Kept		\$ -	\$ -	\$ -	
SUBTOTAL	EXPENSES	\$59,250.00	\$0.00	\$0.00	
REVENUE		\$44,800.00	\$0.00	\$2,500.00	
GRAND TOTAL	NET EVENT PROCEEDS	-\$14,450.00	\$0.00	\$2,500.00	



- Light Towers ☀
- Dumpsters
- GATES
- Police Barricades
- Orange Fencing
- 6ft Chain Link Fence
- Porta-Potties
- Bleachers

Map is not to Scale



STAFF REPORT

AGENDA ITEM: Fiscal Year 2024/25 Proposed Budget

MEETING DATE: June 4, 2024

PREPARED BY: Happy Bains, Acting Finance Director

REVIEWED BY: Christopher Lopez, Interim City Manager

RECOMMENDATION

City Council to consider the following:

1. Adopt a Resolution Adopting the Annual Budget for Fiscal Year 2024/25; GANN Appropriation Limit for Fiscal Year 2024/2025 and Infrastructure Work Plan.

BACKGROUND

On May 21, 2024, the City Council was presented with the Fiscal Year 2024/2025 Budget for review and to provide feedback to the Interim City Manager.

The fiscal year will run from July 1, 2024, to June 30, 2025.

The City of Livingston's Municipal Code requires that an annual budget be submitted to the City Council for their review and approval. It is best practice to adopt a budget prior to the start of a fiscal year (July 1).

Gann Limit

Voters approved the Gann Spending-Limitation Initiative in November 1979, adding an Article to the State of California's Constitution to establish and define annual Appropriations Limits on state and local governmental entities. Implementation of this Article is achieved by defining various terms used in this article and prescribing procedures to be used in implementing specific provisions of the Article, including the annual establishment of an Appropriations Limit by each local jurisdiction, in Livingston's case by City Council Resolution.

The annual adjustment is derived using population and per-capita personal income inflation factors provided by the State of California's Department of Finance. The prior year's Appropriations Limit is multiplied by this component to arrive at the current year's Appropriations Limit. For FY 2024/25, the Appropriations Limit has been calculated to be \$7,540,444. The FY 2024/25 projected revenues subject to appropriation is \$7,394,022 and will not exceed the appropriation limit based on revenue estimates.

Economic Outlook:

As 2024 unfolds, many of the same economic conditions remain in play, with varying effects on the overall outlook. Monitoring the Fed to gauge when interest rates will recede is a primary focus. Monthly unemployment trends and inflation results will determine how swiftly and significantly borrowing costs decrease. Results from the final quarter of 2023 confirmed a shift in consumer behavior, with people opting for essential household items over more expensive purchases. With the exception of Business/Industry and Restaurants/Hotels, all other groups



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saw negative comparisons to the fourth quarter of 2022. While consumer debt is soaring, personal savings continue to dwindle which is suggesting only modest gains in the coming fiscal year. Overall statewide sales tax trends for 2023/2024 are forecasted to be - 1.1% and in 2024/2025 the forecast is expected to be 2.0%.

Category	Forecast 2023/2024	Forecast 2024/2025
Autos/Transportation	-3.6%	2.0%
Fuel/Service Stations	-2.6%	1.4%
Building/Construction	-1.3%	3.1%
Business/Industry	0.5%	1.7%
Food/Drugs	-2.7%	1.5%
General Consumer Goods	-1.8%	1.6%
Restaurants/Hotels	1.9%	3.3%
State & County Pools	-0.4%	2.0%
U.S. Real GDP Growth	2.5%	1.9%
CA Unemployment Rate	5.2%	5.4%
CA Total Nonfarm Growth	0.8%	0.7%
U.S. Unemployment Rate	3.9%	4.2%
CA Residential Building Permits	110,931	112,638
CA Median Existing Home Price	\$717,173	\$762,767

(Source HDL Companies California Forecast)

As a result of this information, staff has adjusted revenues for FY 24/25 to account for the projected trends in the upcoming fiscal year.

Staff has been preparing the FY 24/25 Budget for many months, and the overview of the Budget process is included below.

Steps in the Budget Process:

1. Budget instructions provided to staff.
2. Preliminary expenditures input into the financial system.
3. Initial department/division budget reviews.
4. Secondary department/division budget reviews.
5. Preliminary Budget Review/Discussion.
6. Follow-up with departments/divisions.
7. Follow up discussions as needed.
8. Council Approval of the Budget by June 30, 2024.

Revenues & Expenditures

The City's Operating Budget is a flexible spending plan that serves as the legal authority for City operations to commit financial resources. The City of Livingston provides a wide variety of services, including public works; planning; building; engineering and inspection; recreation; economic development; public safety; and general administrative services. Livingston operates public water, wastewater utilities and sanitation collection provided by a third-party vendor. The City receives fire protection services from Merced County through Cal-Fire.



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The total All Funds Preliminary Revenue Budget for Fiscal Year 2024/25 is \$32.1 million. The total All Funds Preliminary Expense Budget for Fiscal Year 2024/25 is \$35.4 million. The difference of \$3.3 million is primarily funded from reserves for projects.

The City of Livingston uses separate funds to track all budgeted expenditures to ensure accountability and control.

Revenue Description	Revenue Amount
Charge for Services	\$10.5M
Intergovernmental	\$9.2M
Taxes	\$7.6M
Fines & Forfeitures	\$2.2M
Transfers In	\$1.5M
Other	\$0.4M
License & Permits	\$0.3M
Return on Use of Money	\$0.1M
Grand Total	\$32.1M

(The amounts are rounded.)

Expenditure Description	Expenditure Amount
Personnel	\$10.1M
Projects	\$9.7M
Maintenance & Operations	\$9.7M
Equipment	\$3.4M
Transfer Out	\$1.5M
Debt Services	\$0.9M
Grand Total	\$35.4M

(The amounts are rounded.)

GENERAL FUND OVERVIEW

The General Fund is the primary operating fund for the City. The General Fund pays for many of the critical services offered to the City's residents including police, city personnel, street maintenance, and recreation services. Development Services are primarily funded through permit fees, while recreation user fees help offset the operational cost of the Recreation Division. Much of the remainder of the services included in the General Fund are funded through tax revenues. General Fund revenues are generally considered unrestricted and are allocated by the City Council through this budget.

The total General Fund Revenue Budget for Fiscal Year 2024/25 is \$8.7 million. The total General Fund Preliminary Expense Budget for Fiscal Year 2024/25 is \$8.6 million.

Revenue Description	Revenue Amount
Taxes	\$5.42M
Intergovernmental	\$2.3M
Misc Revenues	\$0.2M
Transfer In	\$0.2M
License & Permits	\$0.2M
Charges for Services	\$0.2M



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Return on Use of Money/Prop	\$0.1M
Grand Total	\$8.7M

(The amounts are rounded.)

Expenditure Description	Expenditure Amount
Police Department	\$5.1M
Administrative Services	\$1.1M
Transfer Out	\$1M
Public Works Administration	\$0.6M
Parks Department	\$0.5M
Fire Department	\$0.3M
Elected Officials	\$0.2M
Grand Total	\$8.6M

(The amounts are rounded.)

Projects & Equipment

Several projects will go out to bid in the next few months, the table below shows the top ten projects based on amount that are contained in the one-year CIP. The complete list is contained in Section 5 of the budget book.

Item/Description	Total Budget
Rec Plex	\$5,476,623
Solids Handling – Sludge Drying	\$985,684
Hammatt and Campbell	\$970,601
Max Foster Phase 1	\$533,014
Max Foster Phase 2	\$522,44
Pulverize and Repave Fourth Street from Park to F Street	\$466,680
Renovate Briarwood Sewer Lift Station	\$450,000
Renovate Hammatt Sewer Lift Station	\$450,000
Walnut Child Day Care Roof Replacement	\$357,500
Pulverize and Repave Main St at 650ft South of Peach to Newcastle Drive	\$351,310

Areas to Discuss in FY 24/25 Budget

Current Memorandum of Understandings (MOU) are set to expire June 30, 2024, for all bargaining groups. Once the new agreements are approved, and if they contain personnel expenditure increases, the Fiscal Year 2024/2025 budget will need to be amended.

Depending on council action regarding the Fire Services, the Fiscal Year 2024/2025 Budget will need to be amended.

Conclusion:



STAFF REPORT

The budget preparation is a very time-consuming and comprehensive project. The comprehensive work and efforts by Finance, Human Resources, and all operations have resulted in back-to-back years with a balanced and on time budget delivered to the Mayor and City Council.

The City Manager's Office appreciates the efforts of the Finance Department for leading the effort to compile all the departmental information.

FISCAL IMPACT

General Fund Revenues are estimated to be \$8.7 million with proposed expenditures at \$8.6 million. The spreadsheets contained in the proposed budget reflect the estimated fiscal impact for each fund.

ATTACHMENTS

1. Proposed FY 2024/25 Budget – View City Website – www.cityoflivingston.org
2. Resolution
3. Appropriations Limit Calculation
4. Errata Sheet

RESOLUTION 2024-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2024/2025; THE GANN APPROPRIATION LIMIT FOR FISCAL YEAR 2024/2025 AND INFRASTRUCTURE WORK PLAN

WHEREAS, City Management of the City of Livingston has prepared and submitted to the City Council of the City of Livingston a Proposed Budget for the Fiscal Year commencing July 1, 2024, and ending June 30, 2025 (“Proposed Budget”) and,

WHEREAS, the City Council of the City of Livingston has received public input and has thoroughly reviewed the Proposed Budget; and,

WHEREAS, it is the intention of the City Council to adopt the Proposed Budget, including any modifications, as the Budget for the Fiscal Year (FY) 2024/2025 (“Final Budget”).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIVINGSTON AS FOLLOWS:

1. The Final Budget for the City of Livingston for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, is hereby approved, and adopted.
2. The Infrastructure Work Plan for Fiscal Year beginning July 1, 2024, and ending June 30, 2025, is hereby approved, and adopted.
3. The sums of money therein set forth are hereby appropriated from the revenues of the City to the departments, functions, and funds therein set forth for expenditures during the FY 2024/2025.
4. Capital Projects public works projects and their respective revenue and unspent appropriation actual carryover budget amounts from 2023/2024 shall be recalculated and updated to reflect balances as of June 30, 2024 and are hereby incorporated as part of the 2024/25 approved budget.
5. Grant Funds received and appropriated and unspent appropriation actual carryover budget amounts from 2023/24 shall be recalculated and updated to reflect balances as of June 30, 2024, and hereby incorporated as part of the 2024/25 approved budget.
6. State Law requires that an Appropriations Limit be adopted annually by the City Council. Article XIII B of the California constitution which places certain restrictions on appropriations made by local governments and restrictions are applicable to appropriations that met the definition of “Proceeds of Taxes”. The law allows the option to select the factors to be used to calculate the Annual Appropriations Limit. For one of the factors the City must select between: (A) the change in the State per capita income; or (B) the change in the assessed valuation of local nonresidential construction, and the City has selected the change in the State per capita income. The appropriations subject to limitation in Fiscal Year 2024/25 shall be as set forth on and as calculated on Exhibit “A” attached hereto and made a part hereof.

7. The City Council hereby authorizes the Finance Director to advance from Pooled Cash funds to cover expenditures, for which revenues will be received at a later date.
8. The City Manager or City Manager's designee is authorized to make transfers of budget appropriations between classifications and activities within a fund to purchase such items and services needed to accomplish those purposes set forth in the Budget document and to insure the efficient and effective administration of City services.
9. The Finance Director is authorized to revise revenue budgets and appropriations throughout the fiscal year based on actuals received from the Office of Emergency Services.
10. Estimated carryover balances as of June 30, 2024, shall be recalculated when actuals are determined and appropriations from estimated carryover balances will be updated to reflect actual amounts.
11. All resolutions and parts of resolutions in conflict herewith, including, but not necessarily limited to, such resolutions or parts of resolutions relating to compensations, allowances or benefits as may be in conflict herewith are hereby expressly repealed.
12. The City Manager or City Manager's designee is authorized to adjust the budget for the amount of the November election once the amount is received from the County.
13. This resolution shall be effective immediately upon adoption but shall be operative as of July 1, 2024.

I hereby certify that the foregoing Resolution No. 2024-___ is a full, true and correct copy of a resolution duly passed and adopted by the City Council of the City of Livingston at a regular meeting thereof duly held on the 4th day of June 2024, by the vote recorded as follows:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Jose A. Moran, Mayor
Of City of Livingston

ATTEST

Monica Cisneros, Deputy City Clerk

APPROVED AS TO LEGAL FORM

Roy C. Santos, City Attorney

ARTICLE XIII B- APPROPRIATIONS LIMIT FOR THE CITY OF LIVINGSTON
 Computed Cost of Living Factor Using Per Percentage Change in Per Capita Personal Income As Provided By the State of California Department of Finance - May 2024
FOR FISCAL YEAR 2024/2025

Appropriation Limit for fiscal year 2023/2024		\$	7,224,996
County Population January 2023		284,081	
County Population January 2024		286,138	
Population change:		0.72%	
California per Capita Personal Income Change:		3.62%	
Calculation of Factor for FY2024/2025			
Per Capita Cost of Living converted to a ratio:	$3.62\% + 100/100$	1.0362	
Population converted to ratio:	$.72\% + 100/100$	1.0072	
Calculation of factor for FY2024/2025	1.0362×1.0072	1.043661	
Appropriation Limit for Fiscal Year 2024/2025		\$	<u>7,540,444</u>
2024/2025 Projected Revenues Subject To Appropriation Limit:			
Taxes		\$	5,048,223
Other Agencies (State Subventions)			2,286,715
Interest			50,084
Total		\$	<u>7,394,022</u>

Estimated revenues to be received during 2024/2025 will not exceed the appropriation limit.

City of Livingston
 Errata Sheet For
 2024/2025 Proposed Budget

	A	B	C
1			
2			
3			
4		General	
5		Fund	
6		1100	
7	Estimated Balance July 1, 2024	\$4,673,164	
8	Radio System For Police Explorers	\$5,000	
9	November Election	(A)	
10	Total	\$ 5,000	
11			
12	Revised Estimated Balance 6/30/2024	\$4,668,164	
13			
14	(A)	Awaiting number from County	

CITY OF LIVINGSTON

Infrastructure Work Plan

June 4, 2024



What is a Capital Improvement Program?

- A capital improvement program (CIP) is a strategic plan that outlines the long-term investments and projects required to improve and maintain the infrastructure of a business, city, or organization. It serves as a roadmap for identifying, prioritizing, and funding essential projects that enhance the quality of life for residents, employees, and stakeholders.
- At its core, a capital improvement program is designed to address the ongoing needs of an entity's physical assets. These assets can include buildings, roads, utilities, parks, technology systems, and more. The purpose of implementing a capital improvement program is two-fold: to ensure the efficient functioning and longevity of these assets while also meeting the evolving needs of the community or organization.

What is a Capital Improvement Program?

- By developing a comprehensive CIP, the city can proactively plan for necessary improvements rather than reacting to emergencies or unexpected failures. This proactive approach helps minimize disruptions in operations and reduces costs associated with reactive maintenance.

Infrastructure Work Plan

FUND	DESCRIPTION	PROJECT COST	FUNDING	PROJECTED	PHASE OF	WORK
				24/25	25/26	26/27
WATER						
	Well 8a Replacement	\$4 M	Water Enterprise	*Construction Completion	*Construction Completion	
	TCP Phase 2, 3, Well 18, Well 19 w/well head Treatment	\$42 M	SRF	Application in review	Final PE	Start of construction
STREETS						
Pulverize overlay	4 th St. from Park to F	\$424,254.60	RMRA/MV 80%	PE/CON		
Pulverize overlay	MAIN St. North of Newcastle Dr.	\$319,372.06	RMRA/MV 80%	PE/CON		
Multi-use walk path	Max Foster Ph1	\$600K	CMAQ	BID/CON	CON	
Multi-use walk path	Max Foster Ph2	\$600K	CMAQ	BID/CON	CON	
Sidewalk infill	2022 Pedestrian Improvement Project	\$885K	CMAQ	PE	PE	BID/CON
Sidewalk infill	2023 Sidewalk infill Project					*PE
Pulverize overlay	Main Street from E St. to I St.		RMRA/MV 80%		PE/BID	CON
WASTEWATER						
	Sludge Thickening Project	\$1 M	Sewer Enterprise	CON		
Sewer lift station renovation	Briarwood LS Renovation	\$450K	Sewer Enterprise	PE/BID	CON	
Sewer lift station renovation	Hammatt LS Renovation	\$450K	Sewer Enterprise		PE/BID	CON

Infrastructure Work Plan

FUND	DESCRIPTION	PROJECT COST	FUNDING	PROJECTED	PHASE OF	WORK
				24/25	25/26	26/27
Sewer lift station renovation	99 LS Pit 2 Renovation	\$500K	Sewer Enterprise			PE/BID
STORM						
	Easte Ave Storm Station	\$250K	Sewer Enterprise	CON		
Proposed pump station	Fredrick Worden Storm Pump Station	\$800K	???	Appraisal/Secure easement/Electrical Service design		
Storm drainage evaluation	2 nd Street Storm drainage P.E.	\$30K	Sewer Enterprise	Surveying/Evaluate option		
Potential project per council direction	Relocate city storm lines from Grapevine to Olds Ave.					
PARKS						
	City Hall Artificial Turf	\$10K	CITY	Installation		
	Arakalien Playground Replacement	\$125K	CFD/PARK IMP		Installation	
	Arakalien restroom renovation	\$256K	CFD 1213		CON	

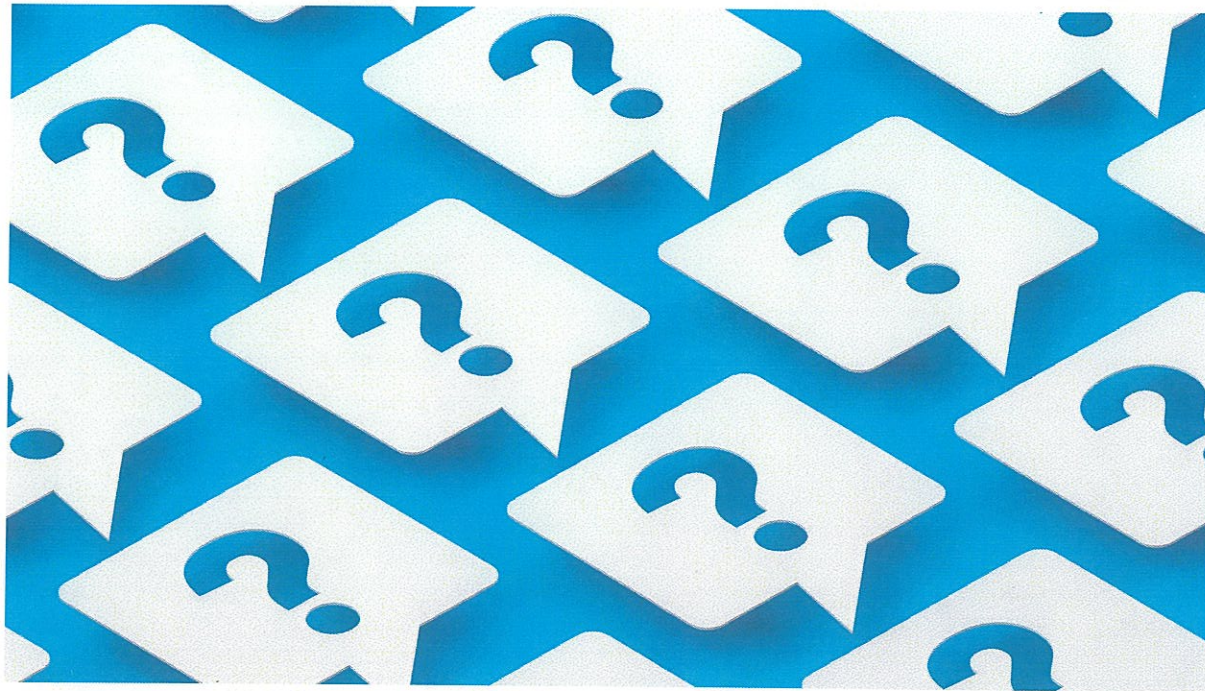
- Well 8a construction completion is dependent on additional well sampling.
- 2023 Sidewalk infill project, PE is dependent on FTIP funding.

Potential Project Per Council Direction

- Resident has expressed concerns and wishes to have the City's storm lines relocated and have the MID vault removed from his property.
- Preliminary options and cost are currently being evaluated by PW and Engineering.
- Project options and cost will be brought to council in the near future for consideration.



ANY QUESTIONS



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