

March 1, 2006

Honorable Mayor and Members of
the Hermosa Beach City Council

Regular Meeting of
March 14, 2006

**RESOLUTION IN SUPPORT OF MEASURE TO SECURE LOCAL
TRANSPORTATION FUNDING**

Recommendation:

That the City Council adopt the attached resolution supporting a constitutional amendment to ensure that Proposition 42 Transportation funds are spent on transportation projects.

Background:

The League of California Cities has provided a resolution regarding a constitutional amendment being circulated for the November 2006 ballot. The measure relates to transportation funding and Proposition 42. It provides that the half-cent sales tax on gasoline must be spent on state and local transportation projects. As you know, the state has two of the last three years, transferred these funds to the state general fund. This constitutional amendment would ensure that the funds go to the transportation projects, in our case street repairs, rather than used for some other purpose by the state.

As you know, public funds may not be used to advocate on behalf of a ballot measure,¹ and the League has carefully drafted this resolution to avoid any express advocacy. The decision by the city council to go on record in support of or in opposition to a ballot measure has been held to be a permissible use of public resources.²

Respectfully submitted,



Stephen R. Burrell
City Manager

¹ *Stanson v. Mott*(1976) 17 Cal.3d 206.

² *League of Women Voters v. Countrywide Criminal Justice Coordination Committee*(1988) 203 Cal.App.3d 529.

1 WHEREAS, the measure also requires the state to reimburse the \$2.5 billion in funds previously
2 spent on non-transportation expenses to be repaid in 10 years; and,

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4 WHEREAS, ensuring that Proposition 42 revenues are used solely for transportation projects,
5 along with the reimbursement of prior revenues, will greatly assist the City of Hermosa Beach in
6 meeting its street maintenance obligations to the benefits of its residents, visitors, and businesses.

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8 Therefore be it RESOLVED, that the City Council of the City of Hermosa Beach supports a
9 constitutional amendment to ensure that Proposition 42 revenues are used exclusively for state and
10 local transportation projects, and that revenues previously used to offset non-transportation
11 purposes be reimbursed.

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11 PASSED, APPROVED, and ADOPTED this 14th day of March, 2006.

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16 PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

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17 ATTEST:

APPROVED AS TO FORM:

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CITY CLERK

CITY ATTORNEY

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