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 theses 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. 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,

City Manager

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.

RESOLUTION NO. 06-

1 2 RESOLUTION OF THE CITY COUNCIL CITY OF HERMOSA BEACH, CALIFORNIA, IN SUPPORT OF MEASURE TO SECURE LOCAL 3 TRANSPORTATION FUNDING 4 5 WHEREAS, the City of Hermosa Beach engages in periodic capital improvement assessments and 6 planning relating to the condition of its transportation infrastructure; and, 7 8 WHEREAS, the City is concerned that it is not able to maintain its transportation infrastructure consistent with public works best practices because of limited funding availability; and, 10 WHEREAS, constraints on the City's ability to fully fund local transportation infrastructure 11 projects adversely affect residents, visitors, and businesses within the City; and. 12 13 WHEREAS, the City had anticipated receiving monies for this purpose as the result of Proposition 14 42, approved by the state's voters in March 2002, which dedicated the state sales tax paid on 15 gasoline to state and local transportation infrastructure projects and programs; and, 16 17 WHEREAS, Proposition 42 contains a provision that allows the state to transfer the sales tax on 18 19 gasoline to non-transportation state purposes during times of fiscal need; and, 20 21 WHEREAS, as a result, some \$2.5 billion in Proposition 42 monies has been spent over the past 22 three years for non-transportation purposes; and, 23 24 WHEREAS, a measure is being circulated to qualify a constitutional amendment for the November 2006 ballot that would ensure that future revenues raised by Proposition 42 are 25 dedicated to state and local transportation projects only; and, 26

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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 constitutional amendment to ensure that Proposition 42 revenues are used exclusively for state and	
9	local transportation projects, and that revenues previously used to offset non-transportation purposes be reimbursed.	
10	purposes de l'ennoursed.	
11	PASSED, APPROVED, and ADOPTED this 14 th day of March, 2006.	
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15	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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20	CITY CLERK	CITY ATTORNEY
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