

**City of Holtville Ordinance No. 463
Amending Ordinance No. 415 and Ordinance No. 422,
and Holtville Municipal Code Sections
3.36.040, 3.36.050, 3.36.060, 3.36.080, and 3.36.085**

The City Council of the City of Holtville does hereby ordain:

Sections 4(a), 5(a), 6(a) and 8 (a) of Ordinance No. 415, Sections 8.5(a) of Ordinance No. 422, and Sections 3.36.040, 3.36.050, 3.36.060, 3.36.080, and 3.36.085 of the Holtville Municipal Code are amended to read as follows:

3.36.040 Telephone users tax A. There is imposed a tax on the amounts paid for any intrastate telephone services by every person in the City using such services. The tax imposed by this section shall be at the rate of nine percent (9%) of the charges made for such services and shall be paid by the person paying for such services.

3.36.050 Electricity users tax A. There is imposed a tax upon every person other than an electric or gas corporation using electrical energy in the City. The tax imposed by this section shall be at the rate of nine percent (9%) of the charges made for such energy by an electrical corporation providing service in the City and shall be billed to and paid by the person using the energy. The tax applicable to electrical energy provided by a non-utility supplier shall be determined by applying the tax rate to the equivalent charge the service user would have incurred if the energy used had been provided by the electrical corporation franchised by the City. Rate schedules for this purpose shall be available from the City. Non-utility suppliers shall install, maintain and use an appropriate utility type metering system which will enable compliance with this section. Charges, as used in this section, shall include charges made for: (1) metered energy and (2) minimum charges for service, including customer charges, service charges, demand charges, standby charges and all other annual and monthly charges, fuel or other cost adjustments, authorized by the California Public Utilities Commission or the Federal Energy Regulatory Commission.

3.36.060 Gas users tax A. There is imposed a tax upon every person in the City other than a gas corporation or electrical corporation, using, in the City, gas which is transported through mains or pipes or by mobile transport. The tax imposed by this section shall be at the rate of nine percent (9%) of the charges made for the gas and shall be billed to and paid by the person using the gas. The tax applicable to gas or gas transportation provided by non-utility suppliers shall be determined by applying the tax rate to the equivalent charges the service user would have incurred if the gas or gas transportation had been provided by the gas corporation franchised by the City. Charges as used in this section shall include: (1) that billed for gas which is defined through mains or pipes; (2) gas transportation charges; and (3) demand charges, service charges, customer charges, minimum charges, annual and monthly charges, and any other charge authorized by the California Public Utilities Commission or the Federal Energy Regulatory Commission.

3.36.080 Cable television users tax. A. There is imposed a tax upon every person in the City using cable television service. The tax imposed by this section shall be at the rate of nine percent (9%) of the charges made for such service and shall be billed to and paid by the person paying for such service.

3.36.085 Water, sewer and trash users tax. A. There is imposed a tax upon every person within the City, and outside the City, who receives City water, sewer and/or trash services. The tax imposed by this section shall be at the rate of nine percent (9%) of the charges made for such service and shall be billed to and paid by the person paying for such service.

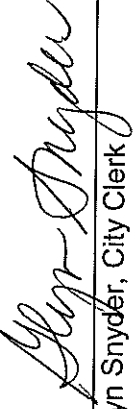
This Ordinance shall only take effect upon adoption by the City Council and if passed by the electorate at an election called for that purpose on November 4, 2008, otherwise it shall have no force or effect.

PASSED, APPROVED AND ADOPTED this 28th day of July, 2008.



Richard Kayton, Mayor

ATTESTED:



Glyn Snyder, City Clerk

STATE OF CALIFORNIA
COUNTY OF IMPERIAL
CITY OF HOLTVILLE

I, Glyn Snyder, City Clerk for the City of Holtville, California, DO HEREBY CERTIFY that the foregoing ordinance was duly passed, approved and adopted at the regular meeting of the Holtville City Council held on the 28th day of July 2008, and was duly adopted by the following roll call vote:

AYES:
NOES:
ABSENT:



Glyn Snyder, City Clerk of the City of Holtville

RESOLUTION NO.08-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLTVILLE, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF HOLTVILLE A CERTAIN MEASURE RELATING TO AN INCREASE THE UTILITY USER TAX AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, AS CALLED BY RESOLUTION NO. 08-29

WHEREAS, A General election on Tuesday, November 4, 2008 has been called by Resolution No. 08-29; and

WHEREAS, the City of Holtville has a Utility Tax Ordinances that imposes a Five Percent (5%) tax on certain utilities, and that provides revenues to the General Fund for general City purposes, including public safety; and

WHEREAS, the City of Holtville has identified specific deficiencies in the Holtville Police Department that require additional funds in order to provide adequate City Police services to the citizens of the City of Holtville; and

WHEREAS, the residents of the City of Holtville have expressed a desire to support the Holtville Police Department through an increase in the Utility User Tax to fund needs identified in the adopted Police Department Deficiency Study; and

WHEREAS, the City Council of the City of Holtville also desires to submit to the voters at the election a question relating to an increase of the User Utility Tax

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HOLTVILLE, CALIFORNIA, DOES RESOLVE, DELCARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

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| To Support and Save Holtville's Police Department, shall the City of Holtville be authorized to increase the Utility User Tax by four percent? | YES |
| | NO |

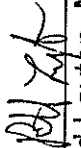
SECTION 2. That the proposed Ordinance submitted to the voters is attached as Exhibit A.

SECTION 3. 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 4. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

CITY OF HOLTVILLE

BY: 
Richard Layton, Mayor



APPROVED AS TO FORM BY:


Steven Walker, City Attorney

STATE OF CALIFORNIA
COUNTY OF IMPERIAL
CITY OF HOLTVILLE

I, Glyn Snyder, City Clerk of the City of Holtville, California, do hereby certify that the foregoing resolution was duly passed, approved and adopted by the City Council of the City of Holtville, California, at its regular scheduled meeting held on the 14TH day of July, 2008.

Attest:

City Clerk of Holtville California

By: 
Glyn Snyder, City Clerk



(Seal)

