

RESOLUTION NO. \_\_\_\_\_

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
4 OCEANSIDE AUTHORIZING THE CITY ATTORNEY TO  
5 COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES,  
6 OTHER CITIES AND COUNTIES IN LITIGATION  
7 CHALLENGING THE CONSTITUTIONALITY OF ANY  
8 SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET  
9 MAINTENANCE FUNDS

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

14 WHEREAS, since the early 1990s the state government of California has seized over  
15 **\$10 billion** of city property tax revenues statewide, now amounting to over \$900 million each  
16 year, to fund the state budget even after deducting public safety program payments to cities by  
17 the state;

18 WHEREAS, in his proposed FY 2009-10 budget the Governor has proposed transferring  
19 \$1 billion of local gas taxes and weight fees to the state general fund to balance the state  
20 budget, and over \$700 million in local gas taxes permanently in future years, immediately  
21 jeopardizing the ability of the City to maintain the City's streets, bridges, traffic signals,  
22 streetlights, sidewalks and related traffic safety facilities for the use of the motoring public;

23 WHEREAS, the loss of almost all of the City's gas tax funds will seriously compromise  
24 the City's ability to perform critical traffic safety related street maintenance, including, but not  
25 limited to, drastically curtailing patching, resurfacing, street lighting/traffic signal maintenance,  
26 payment of electricity costs for street lights and signals, bridge maintenance and repair,  
27 sidewalk and curb ramp maintenance and repair, and more;

28 WHEREAS, some cities report to the League of California Cities that they will be forced  
to eliminate part or all of their street maintenance operations while others will be forced to cut  
back in other areas (including public safety staffing levels) to use city general funds for basic

1 street repair and maintenance. Furthermore, cities expect that liability damage awards will  
2 mount as basic maintenance is ignored and traffic accidents, injuries and deaths increase; and

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

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

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

12 WHEREAS, according to a recent statewide needs assessment<sup>1</sup> on a scale of zero  
13 (failed) to 100 (excellent), the statewide average pavement condition index (PCI) is 68, or “at  
14 risk.” Local streets and roads will fall to “poor” condition (Score of 48) by 2033 based on  
15 existing funding levels available to cities and counties.

16 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

17 SECTION 1. Oceanside City Council hereby directs the City Attorney to take all  
18 necessary steps to cooperate with the League of California Cities, other cities and counties in  
19 supporting litigation against the state of California if the legislature enacts and the Governor  
20 signs into law legislation that unconstitutionally diverts the City’s share of funding from the  
21 Highway Users Tax Account (HUTA), also known as the “gas tax,” to fund the state general  
22 fund;

23 SECTION 2. City Manager or City Clerk shall send this resolution with an  
24 accompanying letter from the Mayor to the Governor and each legislator, informing them in the  
25 clearest of terms of the City’s adamant resolve to oppose any effort to frustrate the will of the  
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27 <sup>1</sup> *California Statewide Local Streets and Roads Needs Assessment*, Nichols Consulting Engineers, Chtd. (2008), sponsored  
28 by the League of California Cities, California State Association of Counties and County Engineers Association of  
California.

1 electorate as expressed in Proposition 5 (1974) and Proposition 2 (1998) concerning the proper  
2 use and allocation of the gas tax; and

3 SECTION 3. A copy of this Resolution shall be sent by the City Manager or City Clerk  
4 to the League of California Cities, the local Chamber of Commerce, and other community  
5 groups whose members are affected by this proposal to create unsafe conditions on the streets  
6 of our City for pedestrians, bicyclists and motorists.

7 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,  
8 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the following vote:

9 AYES:

10 NAYS:

11 ABSENT:

12 ABSTAIN:

\_\_\_\_\_  
Mayor, City of Oceanside

15 ATTEST:  
\_\_\_\_\_  
16  
17 City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

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