

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Town Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

BALLOT TITLE:

Initiative Measure Prohibiting The Town of Apple Valley from Issuing Bonds or Other Forms of Public Debt to Provide Funds for the Acquisition, Construction, Improving, or Financing of an Enterprise Secured by Revenues Derived from the Operations of the Enterprise in Excess of \$10,000,000 Without Voter Approval.

BALLOT SUMMARY

This Measure would prohibit the Town of Apple Valley from issuing municipal bonds or otherwise borrowing more than \$10 million to fund the acquisition, construction, improving or financing of a utility enterprise (e.g., water, sewer, trash, etc.) without first obtaining voter approval, if such bonds or borrowing will be repaid with revenues from the utility enterprise’s operations.

If approved, this Measure would apply to any such bonds or borrowing approved by the Town of Apple Valley after December 21, 2015, if they would otherwise be subject to the limits of this Measure.

TO THE HONORABLE CLERK OF THE TOWN OF APPLE VALLEY:

We, the undersigned, registered, qualified voters of California, residents of the Town of Apple Valley, hereby propose an ordinance relating to voter approval prior to issuance of public debt secured by fees or charges on services, and petition you to immediately submit this initiative to the Town Council for approval without alteration, or alternatively, submission to the voters of the Town of Apple Valley at a special election pursuant to Elections Code section 9214, or the next regular municipal election for which it qualifies pursuant to Elections Code section 9215. The proposed ordinance reads as follows:

The people of the Town of Apple Valley do ordain as follows:
Chapter 3.35 of Title 3 of the Municipal Code is added to read:
3.35 VOTER APPROVAL PRIOR TO ISSUANCE OF PUBLIC DEBT SECURED BY FEES OR CHARGES ON SERVICES

(a) No ordinance or resolution authorizing the issuance of bonds or other forms of public debt in an amount exceeding ten million dollars (\$10,000,000) to provide funds for the acquisition, construction, improving, or financing of an enterprise, secured by revenues derived from the operation of the enterprise, shall become effective unless approved by the voters, as provided herein.

(b) For purposes of this section:

(1) The terms “bonds,” “enterprise,” “charges,” and “revenues” shall have the same meaning as provided for in the Revenue Bond Law of 1941 (Chapter 6 of Division 2 (commencing with section 54300) of the Government Code);

(2) The term “public debt” includes, but is not limited to, certificates of participation, or public leaseback, secured by

revenues derived from the operation of the enterprise, or lease payments made by or to advance the purpose of the enterprise.

(c) The election required shall comply with the provisions of Article 3 of Chapter 6 of Division 2 (commencing with section 54380) of the Government Code.

(d) No ordinance or resolution that authorized the issuance of bonds or public debt that would have been subject to the voter approval requirement of this section, enacted by the council after the date the notice of intent to circulate petitions was filed by the proponents proposing enactment of this section, but before its adoption by the voters, shall be implemented or enforced unless and until the voters approve that ordinance or resolution pursuant to this section.

(e) If any provision of this section, or any part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end, the provisions of this section are severable.

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the Town of Apple Valley for the purpose of requiring voter approval before the town can issue public debt secured by fees or charges on town services. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

- 1) The town council, using the power of eminent domain, desires to acquire the local water system, currently owned and operated by a private company.
- 2) The council believes the cost of acquisition to be more than \$50 million, but it could cost \$100 million or more.
- 3) The council has determined it can raise the money necessary to pay for acquisition by incurring debt that does not currently require voter approval.
- 4) Recognizing the significant financial risk that such a move entails, the voters of the Town of Apple Valley should possess the right to provide direct voter approval prior to the Town Council incurring more than ten million dollars in public debt.
- 5) Therefore, the people of the Town of Apple Valley amend the municipal code to require prior voter approval before the council can issue more than ten million dollars in public debt secured by fees or charges on town services.

/s/ Charles Hanson /s/ Patricia Hanson
Charles Hanson Patricia Hanson

DECLARATION OF CIRCULATOR: (To be handwritten by the circulator after signatures have been obtained on this petition section)
I, _____, am 18 years of age or older. I reside at the following address:

(month, day, year)

(residence address, including street and number, city, state and zip)
I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition section is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____.

(month, day, year) (month, day, year)
I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Signed _____ of _____, at _____, CA. SIGNATURE: _____
(month, day) (year) (place where signed)

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NOTICE TO THE PUBLIC. THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

All signers of this petition must be registered to vote in the Town of Apple Valley.		This column for official use only
1.	Print Your Name: Residence Address ONLY:	
	Signature as Registered to Vote: City Zip	
2.	Print Your Name: Residence Address ONLY:	
	Signature as Registered to Vote: City Zip	
3.	Print Your Name: Residence Address ONLY:	
	Signature as Registered to Vote: City Zip	
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