

~~excess of \$9 million in each of the next five years.~~

If the sales tax ballot measure passes, it is anticipated that the City will receive approximately \$12 million to \$13 million a year in additional sales taxes revenue, based on the current level of sales tax generation.

Now that the City Council has placed the measure on the ballot, it must be especially carefully to ensure that it does not "advocate" a particular result in the special election to consider whether to pass the ballot measure. In one instance, the California Attorney General has opined that use of public funds is prohibited if the purpose of the expensiture is to influence the outcome of the election.

In addressing the extent of the city's informational outreach effort, it is the opinion of the Office of the City Attorney that:

1. The city *may* fund a non-advocacy effort to educate voters about the measure, but city employees *may not* coordinate this publicly-funded effort with a campaign to persuade voters to support enactment of the sales tax ballot measure.
2. It is lawful for the City to spend public funds on, and utilize City staff to provide unbiased, neutral information about ballot measures – whether state or local -- and the consequences of voting for or against such measures.
3. Coordinating this public education outreach with some independent campaign committee could be seen by a court as engaging in a partisan effort for which use of public funds or City staff is improper and would violate State law.
4. The City, through its general fund and its staff *may* disseminate neutral and impartial information to its residents explaining the sales tax ballot measure, which includes explaining to the voters what the fiscal or other consequences will be from voting in favor or against it.
5. The City, through its general fund and its staff, *may* utilize the services of a consultant to assist it with disseminating neutral and impartial information to voters or the general public about the ballot measure.
6. The City, through its general fund and its staff *may not* utilize the services of a consultant or spend City funds to assist a consultant to develop and implement a strategy for building a coalition in support of, or in opposition to, a ballot measure. For example, city administrators *may not* use city time or resources for meetings with potential campaign donors if the purpose and effect of such meetings are to encourage campaign contributions once the measure is placed on the ballot.
7. Specifically, the City (its officials and employees) *may*:
 - Authorize a public information campaign, provided the materials