

RESOLUTION NO. 16-

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, CALLING FOR AN ELECTION TO PRESENT TO THE VOTERS OF THE COUNTY A PROPOSED ORDINANCE ADDING A CHAPTER 5.160 TO THE MENDOCINO COUNTY CODE IMPOSING A COUNTY TRANSACTIONS (SALES) AND USE TAX TO BE COLLECTED IN THE UNINCORPORATED AREAS OF THE COUNTY AND ORDERING CONSOLIDATION OF SAID ELECTION WITH THE CONSOLIDATED GENERAL ELECTION CALLED FOR NOVEMBER 8, 2016 (COUNTYWIDE)

WHEREAS, Part 1.6 of Division 2 of the Revenue and Taxation Code (Section 7251 *et seq.*) authorize a county to impose transactions and use taxes, which may be levied through the unincorporated area of the county for specific purposes if the ordinance proposing the tax is approved by a two-thirds vote of all members of the board of supervisors and subsequently approved by a two-thirds vote of the qualified voters of the unincorporated area of the county; and

WHEREAS, Government Code sections 53722 and 53724 provide that a legislative body may not impose a special tax unless or until the tax is submitted to the electorate of the local government and approved by a two-thirds vote of the voters voting in an election on the issue; and

WHEREAS, Elections Code section 9140 authorizes the Board of Supervisors to submit to the voters, without a petition, an ordinance for the repeal, amendment or enactment of any ordinance, to be voted on at any succeeding, regular or special election and, receiving the majority of votes cast, the ordinance shall be repealed, amended, or enacted accordingly; and

WHEREAS, funding for local transportation projects is at an all-time low in California; and

WHEREAS, although in the past the state and federal gas taxes have made up the majority of funding for transportation improvements, inflation along with changes in tax structure, improved fuel economy, and lower gas prices have resulted in inadequate revenue sources through gas taxes; and

WHEREAS, the most recent update to the County's Pavement Management Program showed that over 58% of County-maintained paved roads have either failed completely or are near failing, and continue to deteriorate at an alarming rate; and

WHEREAS, a proposed Transportation Transaction (Sales) and Use Tax Ordinance would generate revenue to be used toward maintaining County roads; and

WHEREAS, by law, the proposed Transportation Transaction (Sales) and Use Tax Ordinance must be submitted to the voters for approval and be presented as a special tax which will require a two-thirds vote of the electorate

WHEREAS, on July 12, 2016, the Board of Supervisors of the County of Mendocino considered and approved to submit to the voters the Ordinance adding Chapter 5.160 imposing a County Transportation Transactions (Sales) and Use Tax, which would levy a transactions (sales) and use tax of one-half cent (0.5%) for a period of 30 years for the express purpose of funding pavement maintenance and rehabilitation of County roads.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino does hereby declare and order the proposed Ordinance, attached hereto as Exhibit A and incorporated herein by this reference, to be submitted to a vote of the qualified electors of the County of Mendocino on the November 8, 2016, election, as follows:

1. There shall be included on the ballot to be marked by all Mendocino County voters, in addition to any other matters required by law, a ballot measure in substantially the following form:

Measure ____ (County Clerk to fill in the blank). Shall the Mendocino County Code be amended to add Chapter 5.160, "County Transportation Transactions and Use Tax", levying a transactions (sales) and use tax of one-half cent (0.5%) for a period of 30 years for the express purpose of funding pavement maintenance and rehabilitation of County roads?	Yes	
	No	

A mark in the voting square after "YES" shall be counted in favor of the adoption of the proposed ordinance. A mark placed in the voting square after "NO" shall be counted against the adoption of the proposed ordinance.

2. The ballot to be used at the election shall be, both as to form and matter contained therein, such as may be required by law.

3. The County Clerk is hereby authorized, instructed and directed to provide and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct this election.

4. The County Clerk shall fix and determine dates for submission of arguments for or against said proposed ordinance pursuant to the provisions of the Elections Code.

5. The County Clerk is further directed to take the necessary and appropriate action to provide the election officers, polling places and voting precincts.

6. In accordance with Elections Code section 9160, the County Clerk shall transmit a copy of the measure to the County Auditor and County Counsel.

7. In accordance with the provisions of the Elections Code of the State of California, County Counsel is directed to prepare an impartial analysis of the measure and the County Auditor is directed to prepare a fiscal impact statement.

8. The polls for this election shall be open during the hours required by law and this election, with respect to the foregoing ballot measure, shall be held and conducted as provided by law for the holding of County initiative elections.

9. Notice of the time and place of holding this election together with any other notices required by law shall be given by the County Clerk.

10. Arguments for or against the measure may be submitted in conformity with Elections Code section 9161, *et seq.*

11. The Clerk of the Board and the Chief Executive Officer are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the general election and appropriate all monies necessary for the Clerk of the Board, County Executive Officer and County Clerk to prepare and conduct the general election in a manner consistent with state and local laws.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

Deputy