

RESOLUTION NO. 4112-2018

A RESOLUTION OF THE FORT BRAGG CITY COUNCIL RESCINDING THE SUBMISSION TO THE VOTERS OF THE SPECIAL PURPOSE THREE-EIGHTHS OF A CENT TRANSACTIONS AND USE TAX MEASURE AS PROVIDED FOR IN RESOLUTION NO. 4107-2018, FOR THE GENERAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 6, 2018; AND INSTEAD SUBMITTING TO THE VOTERS A LOCAL BALLOT MEASURE ADOPTING A GENERAL PURPOSE THREE-EIGHTHS OF A CENT TRANSACTIONS AND USE TAX (NEW MEASURE) FOR THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, AS CALLED BY RESOLUTION NO. 4098-2018; TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE NEW MEASURE; AUTHORIZING CITY COUNCIL TO SUBMIT AN ARGUMENT IN FAVOR OF THE NEW MEASURE; AND SETTING DATES FOR ARGUMENTS AND REBUTTTALS ON THE NEW MEASURE

WHEREAS, the City Council by Resolution No. 4098-2018 has called and noticed the holding of a general municipal election to be held on Tuesday, November 6, 2018 for the election of three (3) City Councilmembers; and

WHEREAS, a statewide general election is scheduled for November 6, 2018; and

WHEREAS, the City Council desires to rescind the measure provided for in Resolution No. 4107-2018, relating to a transactions and use tax for the special purpose of reducing the City's unfunded accrued pension liability; and

WHEREAS, the Revenue and Taxation Code of California section 7285.9 authorizes the City Council of the City of Fort Bragg to levy a transactions and use tax for general purposes, if the ordinance proposing the tax is approved by two-thirds vote of all members of the City Council and the general tax is approved by a majority of the qualified voters of the city voting in an election on the issue; and

WHEREAS, the City Council desires to submit to the voters at a General Election to be held on November 6, 2018 a new measure replacing the special purpose tax measure set forth in Resolution No. 4107-2018 and instead submitting to the voters a question relating to establishing a three-eighths of a cent transactions and use tax, subject to voter approval, for general purposes; and

WHEREAS, the City by Resolution No. 4099-2018 has requested that the General Election be consolidated with the Statewide General Election to be held on the same date, and that within the City, the precincts, polling places, and election officers of the two elections be the same, and that the County Election Department of the County

of Mendocino canvass the returns of the General Election and that the election be held in all respects as if there were only one election; and

WHEREAS, the Elections Code of the State of California authorizes the City Council by majority vote to adopt provisions to provide for the filing of arguments for City measures submitted at municipal elections;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Fort Bragg does hereby resolve, declare and order as follows:

Section 1 – Ballot Measure.

A. That pursuant to its right and authority, the City Council does order repealed Resolution No. 4107-2018, and removes the following question from the General Election to be held on November 6, 2018:

Measure “_____” APPROVAL OF TRANSACTIONS AND USE TAX

Shall the measure to enact a three-eighths (3/8 th) of a cent special purpose transactions and use tax to provide the City with an estimated \$623,000 per year for a limited period of fifteen years to reduce the City’s California Public Employees’ Retirement System (CalPERS) unfunded accrued pension liability by reducing the payment period from thirty (30) years to fifteen (15) years and saving the City an estimated \$4.1 million be adopted?	YES	
	NO	

B. That pursuant to the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Fort Bragg, California, a General Election, on Tuesday, November 6, 2018, for the purpose of placing on the ballot a new measure to levy a three-eighths of a cent (.375%) transactions and use tax, effective April 1, 2019. The complete text of the proposed ordinance is attached to this Resolution as **Exhibit A** (“General Tax Measure”) and is not to be printed in the voter pamphlet. The full text of the ordinance shall be made available to any voter on request and will be posted on the City’s website. (Elections Code §§ 9223, 9280) The vote requirement for the new measure to pass is a majority (50% plus 1) of the votes cast.

C. That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of Mendocino is hereby requested to consent and agree to the consolidation of a General Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of electing City Councilmembers and the submission of the General Tax Measure to the voters.

D. That the City Council hereby orders the new measure to be placed on the ballot in the following form:

Measure “___” APPROVAL OF TRANSACTIONS AND USE TAX

Shall the measure to enact a three-eighths (3/8 th) of a cent general purpose transactions and use tax to provide the City with an estimated \$623,000 per year for a limited period of fifteen years be adopted?	YES	
	NO	

D. The City Council hereby directs the City Attorney to prepare an Impartial Analysis (not to exceed 500 words) of the General Tax Measure in accordance with section 9280 of the Elections Code showing the effect of the measure on existing law and the operation of the measure.

E. That the full text of the General Tax Measure shall not be printed in the Voter Information Pamphlet, but a statement shall appear under the Impartial Analysis informing voters that the information may be obtained from the City Clerk’s office and the City’s website.

F. The election shall be held and conducted and the votes thereof canvassed and returns thereof made and the results thereof ascertained and determined as provided by law for the holding of municipal elections in the City and the consolidation of municipal elections with other elections.

G. The proposed Ordinance is not subject to CEQA because it is not a “project” pursuant to Public Resource Code section 21065 and section 15378(b)(4) of the CEQA Guidelines; further if the proposed Ordinance were to be found a “project,” it is statutorily exempt from CEQA pursuant to section 15273(a)(1) of the CEQA Guidelines, as the purpose of the transactions and use tax is to meet expenses of the City.

Section 2 – Designation of Duties

A. The City Clerk in conducting the City’s election shall provide the following services:

1. Publish the Notice of Election;

2. Receive ballot arguments, impartial analysis, and rebuttal arguments.

Section 3 – Ballot Arguments

A. The last day for submission of direct arguments (not to exceed 300 words each) for or against the ballot measure shall be by 5:00 p.m. on July 20, 2018.

B. The last day for submission of rebuttal arguments (not to exceed 250 words each) for or against the ballot measure shall be by 5:00 p.m. on July 30, 2018.

C. The City Attorney shall prepare an impartial analysis of the ballot measure. The impartial analysis shall be filed by 5:00 p.m. on July 30, 2018.

D. Pursuant to Section 9285 of the Elections Code, when the City Clerk has selected the arguments for and against the measure, which arguments will be printed and distributed to the voters, the City Clerk shall send copies of the arguments in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument, which it seeks to rebut.

E. Members of the City Council, individually and/or collectively are hereby authorized to submit a ballot argument for the measure pursuant to Article 4 of Chapter 3 of Division 9 of the Elections Code.

F. The provisions of Section 9285(a) of the Elections Code relating to arguments are hereby adopted and made applicable.


G. If there is any inconsistency between this Resolution and the schedule of the County Clerk for filing the impartial analysis and the arguments, the schedule of the County Clerk for the County of Mendocino controls.

Section 4 – Direction to City Clerk

The City Clerk is directed to forward without delay a certified copy of this resolution to the Board of Supervisors and to the County Elections Department. The City Clerk is hereby authorized and directed to take all steps necessary to place the Ordinance on the ballot and to cause the Ordinance to be printed. A copy of the Ordinance shall be made available to any voter upon request.

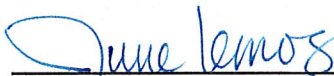
The above and foregoing Resolution was introduced by Councilmember Cimolino, seconded by Councilmember Norvell, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 11th day of July, 2018, by the following vote:

AYES: Councilmembers Cimolino, Lee, Norvell, Turner, and Mayor Peters.
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.



LINDY PETERS
Mayor

ATTEST:



June Lemos, CMC
City Clerk