

RESOLUTION NO. ____-2022

A RESOLUTION OF THE FORT BRAGG CITY COUNCIL CALLING AND GIVING NOTICE OF THE HOLDING OF A NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION TO SUBMIT TO THE VOTERS A 3/8-CENT GENERAL TRANSACTIONS AND USE TAX MEASURE; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO TO CONSOLIDATE THE ELECTION WITH THE STATEWIDE GENERAL ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN ANALYSIS OF THE MEASURE; AUTHORIZING CITY COUNCIL TO SUBMIT A BALLOT ARGUMENT IN FAVOR OF THE MEASURE; AND SETTING DATES FOR SUBMITTING ARGUMENTS ON THE MEASURE

WHEREAS, a statewide general election is scheduled for November 8, 2022;
and

WHEREAS, the City’s general municipal election (“the Election”) is to occur on November 8, 2022; and

WHEREAS, the City Council wishes to submit to the voters at the Election a measure to impose a 3/8-cent general transactions and use (sales) tax; and

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 – ORDER CALLING GENERAL MUNICIPAL ELECTION

A. 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 Municipal Election, on Tuesday, November 8, 2022, for the following purposes:

1. Allow voters to consider a measure to adopt an ordinance that would impose a 3/8 percent transactions and use (sales) tax for general purposes. 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. (CA Elections Code §§ 9223, 9280.) The vote required to approve the measure is a simple majority (50%+1) of the votes cast.

B. 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 the Election with the Statewide General Election on Tuesday, November 8, 2022.

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

Measure “ _____ ” Imposition of a 3/8-Cent General Transactions and Use (Sales) Tax

Shall the measure generating locally controlled revenue for Fort Bragg for general government use, such as providing for Workforce Housing for the residents of Fort Bragg and the Mendocino Coast for our Firefighters, Police, Plumbers, Hospitality, Carpenters and General Trades, and Retail and Service Workers by levying a 3/8¢ sales tax, raising about \$800,000 a year that Sacramento cannot take away, until voters decide otherwise, requiring yearly audits, independent oversight, public review/disclosure of spending, be adopted?	YES	
	NO	

D. The City Council hereby directs the City Attorney to prepare an Impartial Analysis 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 tax is to meet operating expenses.

SECTION 2 – REQUEST FOR ELECTION SERVICES

A. Pursuant to the requirements of Elections Code Section 10403, the Mendocino County Board of Supervisors is hereby requested to consent and agree to the consolidation of the Election with the Statewide General Election on November 8, 2022. The consolidated elections will be held and conducted in the manner prescribed in Elections Code Section 10418.

B. That the County Elections Department is authorized to canvass the returns of the Election. The two elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

C. That the Board of Supervisors is requested to issue instructions to the County Election department to take any and all steps necessary for the holding of the consolidated election.

D. That the City of Fort Bragg recognizes that the County will incur additional costs by reason of this consolidation and agrees to reimburse the County for those costs.

E. That the City Clerk is authorized, instructed, and directed to coordinate with the Mendocino County Clerk to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary to properly and lawfully conduct the election.

F. Notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

G. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

SECTION 3 – DESIGNATION OF DUTIES

A. The County Clerk, in conducting the City's election is requested to provide the following services:

1. Establish precinct boundaries to coincide with the Statewide General Election;
2. Designate polling places and appoint election officers;
3. Notify election officers of their appointment and instruct inspectors concerning their duties;
4. Hire and pay election officers;
5. Arrange for the availability of polling places and all supplies necessary for casting ballots, and setting up voting booths;
6. Publish lists of precincts, election officers, polling places, and the hours that polls will be open;

7. Provide sample ballots to each voter;

8. Receive absentee voter applications; supply absentee voter ballots to applicants; accept absentee voter ballot returns; retain custody of absentee voter ballots; count absentee voter ballots;

9. Provide Certificate of County Clerk as to Result of the Canvass, for approval by the Fort Bragg City Council.

B. The City Clerk shall provide the following services in conducting the City's election:

1. Publish the Notice of Election;

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

SECTION 4 – BALLOT ARGUMENTS

A. Pursuant to Section 9282 of the Elections Code of the State of California, the legislative body of the City of Fort Bragg, or any member or members of the legislative body authorized by the body, or any individual voter who is eligible to vote on the measure or bona fide association of citizens, or any combination of voters and associations, may file a written argument, not to exceed 300 words in length, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, for or against the City measure.

B. The last day for submission of direct arguments for or against the ballot measures of 300 words or less shall be by 5:00 p.m. on August 18, 2022.

C. Pursuant to Section 9285 of the California Elections Code, when the City Clerk has selected the arguments for and against each measure, which arguments will be printed and distributed to the voters, the City Clerk shall send copies of the arguments in favor of each 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.

D. The provisions of Section 9285(a) of the Elections Code relating to arguments are hereby adopted and made applicable. This Section 4 shall apply only to the Election and shall thereafter be of no further force and effect.

E. The last day for submission of rebuttal arguments for or against the ballot measures of 250 words or less shall be by 5:00 p.m. on August 29, 2022.

F. 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 shall control.

SECTION 5 – 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 _____, seconded by _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 8th day of August 2022, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSE:**

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, MMC
City Clerk